

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS
WAS HELD MAY 20, 2002 AT 1:00 P.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Raymond Graham, Chairman; Ms. Sharon McCamy, Vice Chair; Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Larry L. Weeks; Mr. G. Robert Lee, County Administrator, Mr. J. Randall Wheeler, Deputy County Administrator; Mr. Paul S. McCulla, County Attorney

AGENDA REVIEW

The Board of Supervisors reviewed the Agenda.

BALANCED SCORECARD BREAKTHROUGH STRATEGIES

The County Administrator and Deputy County Administrator updated the Board members on the proposed Balanced Scorecard Breakthrough Strategies. For the past several months an executive level Strategy Team, consisting of the County Administrator, the Treasurer, the Commissioner of the Revenue and other Senior Staff members, has been working on a process to improve the County Government's ability to support/achieve the Board of Supervisors' long term objectives, as contained within the County's Vision Statement. The Board directed staff to make further revisions to the document and return this matter for further discussion.

CLOSED MEETING

Mr. Graham moved to go into a closed meeting pursuant to Virginia Code § 2.2-3711.A.7 and Virginia Code §11-52 for consultation with the County Attorney and discussion of potential property acquisition regarding public safety radio system matters and County landfill legal matters, not releasable to the public. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

Upon reconvening from the closed meeting, Mr. Graham moved to adopt the following certification. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 20th day of May 2002, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

ADOPTION OF THE AGENDA

Ms. McCamy moved to adopt the Agenda, subject to the following amendments:

- Remove from the regular agenda item #13: A Resolution Authorizing the County Administrator and the County Attorney to Execute All Documents Necessary to Acquire 128.8918 Acres of Land Owned By J. Paul Wampler, Bridgewater College, Priscilla W. Wampler, and Mabel Lou Weiss by Purchase or Condemnation;
- Renumber items #14: A Resolution to Approve Special Exception #01-S-14, 01-S-15 and 01-S-16, Brookside Development LLC and Brookside Communities LLC, applicants; #15: A Resolution to Amend the Comprehensive Plan #CPA00-S-05, New Baltimore Service District, Brookside Development LLC and Brookside Communities LLC, applicants; and #16: A Resolution to Approve Preliminary Plat #PP01-S-08, Brookside, A Planned Community;
- Add to the consent agenda items #p: A Resolution Consenting to the Provision of Public Sewer by the Town of Warrenton to Pin #6995-21-1875 and Approval of the Amendment of the Fauquier County/Town of Warrenton / WSA Master Sewer & Water Agreement; and #q: A Resolution to Schedule an Adjourned Meeting of the Fauquier County Board of Supervisors.

Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes:	<i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
Nays:	<i>None</i>
Absent During Vote:	<i>None</i>
Abstention:	<i>None</i>

CITIZENS' TIME

No one spoke.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Graham presented a proclamation, designating the week of May 12 - 18, 2002 as Police Week to Lieutenant Kerry White of the Warrenton Police Department, and recognized law enforcement officers throughout Fauquier County.
- Mr. Atherton presented a proclamation, designating the week of May 19 - 25, 2002 as Emergency Medical Services Week, to Cathy Gallagher on behalf of the thirteen Volunteer Fire and Rescue Companies and the Office of Emergency Services.

CONSENT AGENDA

Ms. McCamy moved to adopt the following Consent Agenda items. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

Abstention: None

Approval of Minutes for March 4, 13 and 25, 2002 Board of Supervisors Budget Work Sessions; March 18, 2002 Board of Supervisors Regular Meeting; April 1, 2002 Board of Supervisors Adjourned Meeting.

A Resolution Authorizing a Memorandum of Agreement Between the Fauquier County Board of Supervisors and Bealeton Station Limited Partnership

RESOLUTION

A RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN THE FAUQUIER COUNTY BOARD OF SUPERVISORS AND BEALETON STATION LIMITED PARTNERSHIP

WHEREAS, Bealeton Station Limited Partnership is the owner of a swimming pool in Bealeton, Virginia; and

WHEREAS, Bealeton Station Limited Partnership has generously allowed the County use of the swimming pool, for the purpose of conducting swimming lessons, for a nominal fee; and

WHEREAS, the use of this facility has allowed the Fauquier County Parks and Recreation Department to provide a valuable service to the residents of Fauquier County; and

WHEREAS, Bealeton Station Limited Partnership is again offering the use of the pool for the 2002 season; and

WHEREAS, the terms of the agreement are outlined in the Memorandum of Agreement between the Fauquier County Board of Supervisors and Bealeton Station Limited Partnership; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That the Director of the Fauquier County Parks and Recreation Department be, and is hereby, authorized to execute the Memorandum of Agreement with Bealeton Station Limited Partnership; and, be it

RESOLVED FURTHER, That the Director be authorized to execute future Memoranda of Agreement with Bealeton Station Limited Partnership, so long as the agreements are in conformance with the terms and conditions as noted in the 2002 Agreement.

An Amended Resolution to Request the Virginia Department of Transportation to Accept a Portion of Woodlawn Lane from its Intersection with Albrecht Lane and Springdale Drive, and Greenbrier Road from its Intersection with Woodlawn Lane and Brookmoor Drive

AMENDED RESOLUTION

AN AMENDED RESOLUTION TO REQUEST THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO ACCEPT A PORTION OF WOODLAWN LANE FROM ITS INTERSECTION WITH ALBRECHT LANE AND SPRINGDALE DRIVE, AND GREENBRIER ROAD FROM ITS INTERSECTION WITH WOODLAWN LANE AND BROOKMOOR DRIVE

WHEREAS, the streets described below were dedicated to public use by Deed of Dedication dated June 6, 1961, and recorded in Deed Book 213 at Page 48, and currently serve at least three families per mile; and

WHEREAS, the Virginia Department of Transportation has deemed this County's current subdivision control ordinance meets all necessary requirements to qualify this County to recommend additions to the secondary system of state highways pursuant to Section 33.1-72.1 of the Code of Virginia, 1950, as amended; and

WHEREAS, after examining the ownership of all property abutting the street, this Board finds that speculative interest does not exist; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That the Board of Supervisors requests the following streets be added to the secondary system of state highways pursuant to Section 33.1-72.1(D) of the Code of Virginia, 1950, as amended:

- (1) A portion of Woodlawn Lane from its intersection with Albrecht Lane to its intersection with Springdale Drive, a distance of approximately 0.16 miles; and
- (2) A portion of Greenbrier Road from its intersection with Woodlawn Lane to its intersection with Brookmoor Drive, a distance of approximately 0.214 miles;

All as shown on that certain GIS map dated March 5, 2002, and on that certain plat of survey by R. M. Bartenstein & Associates recorded in Deed Book 213 at Page 48 among the land records of Fauquier County, Virginia, and further shown on that Deed of Dedication dated June 6, 1961, said Deed being recorded in Deed Book 213 at Page 48 among the aforesaid County land records; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors requests the Virginia Department of Transportation to improve said streets to the prescribed minimum standards, funding improvements pursuant to Section 33.1-72.1(D) of the Code of Virginia, 1950, as amended; and, be it

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

A Resolution to Authorize a Lease Agreement with Commonwealth Green Energy to Convert Gas to Energy at the Fauquier County Landfill

RESOLUTION

A RESOLUTION TO AUTHORIZE A LEASE AGREEMENT WITH COMMONWEALTH GREEN ENERGY TO CONVERT GAS TO ENERGY AT THE FAUQUIER COUNTY LANDFILL

WHEREAS, Fauquier County seeks to operate the landfill in an efficient and effective manner; and

WHEREAS, Fauquier County would like to develop a project to convert landfill gas to energy as an environmentally positive approach to the management of the landfill; and

WHEREAS, Fauquier County has received a proposed lease from Commonwealth Green Energy to design, install and operate a landfill gas to energy project; and

WHEREAS, the Fauquier County Board of Supervisors held a public hearing on April 15, 2002 to solicit comments from the citizens of Fauquier County regarding the proposed lease; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That the County Administrator be, and is hereby, authorized to execute the Gas Use and License to Use Real Property Agreement, subject to final approval as to form by the County Attorney and approval as to form and substance by the Virginia Resources Authority and Bond Counsel.

Preliminary Subdivision Application #PP02-CR-06 – Golden Oaks Construction, Inc., owner/applicant, Cedar Run District

No action required.

Preliminary Plat #PP02-CR-07 – Vint Hill Economic Development Authority, Land Bay “G”, owner/applicant, Cedar Run District

No action required.

Preliminary Plat #PP02-CR-08 – Vint Hill Economic Development Authority, Land Bay “H”, owner/applicant, Cedar Run District

No action required.

A Resolution Authorizing the Chairman of the Fauquier County Board of Supervisors to Accept a Deed of Real Property from the Vint Hill Economic Development Authority

RESOLUTION

A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS TO ACCEPT A DEED OF REAL PROPERTY FROM THE VINT HILL ECONOMIC DEVELOPMENT AUTHORITY

WHEREAS, the Vint Hill Economic Development Authority previously agreed to transfer approximately 13.6 acres of property to the Fauquier County Board of Supervisors for a public swimming pool and recreational purposes; and

WHEREAS, the Vint Hill Economic Development Authority has proposed to adjust a boundary of the parcel to correct an encroachment on an adjoining parcel, which would otherwise occur as the result of proposed road construction; and

WHEREAS, the parcel, after adjustment, will be approximately 14.18 acres; and

WHEREAS, the Board of Supervisors wishes to accept the revised parcel of real property for public recreational uses; and

WHEREAS, the Parks and Recreation Board has requested that the Vint Hill Economic Development Authority pay the cost of relocating a ball field, in the event that relocation of the ball field is necessitated by the proposed road construction referenced herein, within eight years from the date of execution of the revised deed, and this agreement shall be in place at the time of the acceptance of the revised deed; and

WHEREAS, the Code of Virginia requires that all deeds of real property to the County be accepted; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That the Chairman of the Board of Supervisors be, and is hereby, authorized to accept on behalf of the Board of Supervisors the above-referenced deed in form and in content as has been approved by the County Attorney.

Preliminary Subdivision Application #PP02-CR-09 – Robert A. & Marion J. Ganteume, owners/applicants, Cedar Run District

No action required.

Preliminary Plat #PP02-CR-11 – Herbert W. Lunceford, owner, and J. Scott Godfrey, applicant, Cedar Run District

No action required.

A Resolution to Authorize the Chairman of the Board of Supervisors to Sign a Memorandum of Understanding Between the Meade Palmer Memorial Committee, the Town of Warrenton and Fauquier County

RESOLUTION

A RESOLUTION TO AUTHORIZE THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN THE MEADE PALMER MEMORIAL COMMITTEE, THE TOWN OF WARRENTON AND FAUQUIER COUNTY

WHEREAS, the Board of Supervisors has received a request from the Meade Palmer Memorial Committee to join with members of the community and the Town of Warrenton in honoring the accomplishments and contributions of the late Mr. Meade Palmer, FASLA, Landscape Architect, through the construction of a memorial in the form of a park/amphitheater to be located on County-owned property on Culpeper Street, adjacent to the Warren Green Building in Warrenton, Virginia; and

WHEREAS, the Board of Supervisors wishes to join with the Meade Palmer Memorial Committee, the Town of Warrenton and members of the community in honoring the life long accomplishments of Meade Palmer, particularly his many contributions to Fauquier County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That the Chairman of the Board of Supervisors be, and is hereby, authorized to sign, on behalf of Fauquier County, a Memorandum of Understanding between the Meade Palmer Memorial Committee and the Town of Warrenton for the construction of the Meade Palmer memorial park/amphitheater.

A Resolution Approving an Exception for Travel Expenses in Accordance with Travel Policy and Procedures

RESOLUTION

A RESOLUTION APPROVING AN EXCEPTION FOR TRAVEL EXPENSES IN ACCORDANCE WITH TRAVEL POLICY AND PROCEDURES

WHEREAS, the Fauquier County Board of Supervisors has adopted Travel Policy and Procedures which require approval of expenditures in excess of \$1,000; and

WHEREAS, the Fauquier County Sheriff is requesting approval to send the Sheriff's Office Chief Financial Officer to the Government Financial Officer's Association Annual Conference, scheduled for June 16-19, 2002, in Denver, Colorado, which is anticipated to entail a cost of \$1,200; and

WHEREAS, the Sheriff indicates that conference highlights include performance management objectives and performance measurement, which will enhance and prove beneficial in the management of the Sheriff's Office budget and audit principles; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That the Sheriff's Office be, and is hereby, granted an exception to the Travel Policy and Procedures and the training and travel expenses for the aforesaid conference.

A Resolution to Authorize Removal of Constitutional Officer Positions from the Fauquier County Government Position Classification and Compensation Plan

RESOLUTION

A RESOLUTION TO AUTHORIZE REMOVAL OF CONSTITUTIONAL OFFICER
POSITIONS FROM THE FAUQUIER COUNTY GOVERNMENT POSITION
CLASSIFICATION AND COMPENSATION PLAN

WHEREAS, there are five Constitutional Officer positions within Fauquier County Government; and

WHEREAS, the Board of Supervisors has approved and adopted a Position Classification and Compensation Plan prepared and maintained by DMG-MAXIMUS, Incorporated; and

WHEREAS, two out of five Constitutional Officer positions within Fauquier County Government are not part of the Position Classification and Compensation Plan; and

WHEREAS, in the interest of uniformity, a request is made to remove all Constitutional Officer positions from the Position Classification and Compensation Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That all Constitutional Officer Positions be removed from the Fauquier County Position Classification and Compensation Plan, effective May 20, 2002.

A Resolution to Authorize Creation of a Career Ladder for Social Workers Within the Department of Social Services

RESOLUTION

A RESOLUTION TO AUTHORIZE CREATION OF A CAREER LADDER FOR SOCIAL
WORKERS WITHIN THE DEPARTMENT OF SOCIAL SERVICES

WHEREAS, the Department of Social Services has experienced substantial turnover in the social work series of position classifications; and

WHEREAS, social work positions are essential to the provision of the Department's highest risk programs, child protective services and adult protective services, and the provision of services to preserve families and help frail individuals remain in the community; and

WHEREAS, the Department of Human Resources, the Social Services Board and the Department of Social Services believe the turnover among social workers will be reduced by the provision of promotional opportunities; and

WHEREAS, the Department of Social Services requests implementation of a career ladder program that includes continuing authorization to promote employees from social worker to senior social worker as they meet the following criteria:

1. Four years of experience as a social worker, two of which are within the Department of Social Services, or a Masters of Social Work (MSW) with two years of experience with the department;
2. Certification in all the required courses for adult or child protective services;
3. Experience in the entire range of services pertaining to the practice specialty, either child welfare services or adult services;
4. Two recent and consecutive ratings of "exceeds expectations" on the annual performance evaluation;
5. Recommendation of the supervisor and the approval of the director;

now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That a career ladder program for social workers be established within the Department of Social Services.

A Resolution Consenting to the Provision of Public Sewer by the Town of Warrenton to PIN #6995-21-1875 and Approval of the Amendment of the Fauquier County / Town of Warrenton / WSA Master Sewer & Water Agreement

RESOLUTION

A RESOLUTION CONSENTING TO THE PROVISION OF PUBLIC SEWER BY THE TOWN OF WARRENTON TO PIN #6995-21-1875 AND APPROVAL OF THE AMENDMENT OF THE FAUQUIER COUNTY/TOWN OF WARRENTON/WSA MASTER SEWER & WATER AGREEMENT

WHEREAS, Landmark Communities, contract purchaser, and the Hufnagel Family, property owners, have requested that Fauquier County consent to the provision of public sewer by the Town of Warrenton to PIN #6995-21-1875; and

WHEREAS, the request would result in the amendment of the Fauquier County/Town of Warrenton/WSA Master Water and Sewer Agreement pursuant to the terms contained in Section 12 of the Agreement; and

WHEREAS, both the Town and County were provided written notice of the request at least thirty days prior to the date of this resolution; and

WHEREAS, the property is located in the Warrenton Service District and is planned for the provision of public water and sewer; and

WHEREAS, the Fauquier County Water and Sanitation Authority is able to provide public water, but not sewer, to the subject property; and

WHEREAS, the request has been reviewed by the Town/County Liaison Committee and comes forward with the unanimous recommendation for approval; now, therefore, be it

RESOLVED by the Fauquier County Board this 20th day of May 2002, That the Board of Supervisors does hereby consent to the provision of public sewer services by the Town of Warrenton to PIN #6995-21-1875 subject to the following conditions:

- a. Adoption of a resolution by the Warrenton Town Council agreeing to extend public sewer services to the subject parcel and authorizing the expansion of the service area pursuant to Section 12.4 of the Fauquier County/Town of Warrenton/WSA Master Sewer & Water Agreement.
- b. Agreement of the WSA to provide public water.
- c. Expiration of the time periods for WSA review of the proposed extension of services to the subject property pursuant to Section 12.2 of the Fauquier County/Town of Warrenton/WSA Master Sewer & Water Agreement.
- d. Rezoning of the subject property to the PRD zoning district subject to proffers which include, but shall not be limited to:
 1. Dedication to Fauquier County for public park and open space use of the portion of the subject property shown on Sketch Plans 1 and 2 as the Pond/Active Recreation Area, house, and tree stand.
 2. A proffer limiting the maximum residential units to be located on the subject property to 64 single family detached units.
 3. Construction of a stone gateway entrance feature.
 4. Remediation of pond and inclusion of aeration features.
 5. Design and construct amphitheater with stone terracing.

and; be it

RESOLVED FURTHER, That pursuant to Section 12.4 of the Fauquier County/Town of Warrenton/WSA Master Sewer & Water Agreement, the Board of Supervisors hereby authorizes the expansion of the exclusive sewer service area for the Town of Warrenton to include PIN #6995-21-1875; and, be it

RESOLVED FINALLY, That pursuant to Section 12 of the Fauquier County/Town of Warrenton/WSA Master Sewer & Water Agreement the County Administrator be, and is hereby, directed to forward a copy of this resolution to the WSA and give notice of this request and the Board's consent subject to the expiration of the WSA's period to respond.

A Resolution Consenting to the Provision of Public Water and Sewer by the Town of Warrenton to PIN #6984-85-3809, 6984-96-1546 & 6984-98-0388 and Approval of the Amendment of the Fauquier County / Town of Warrenton / WSA Master Sewer & Water Agreement

RESOLUTION

A RESOLUTION CONSENTING TO THE PROVISION OF PUBLIC WATER AND SEWER BY THE TOWN OF WARRENTON TO PIN #6984-85-3809, 6984-96-1546 & 6984-98-0388 AND APPROVAL OF THE AMENDMENT OF THE FAUQUIER COUNTY/TOWN OF WARRENTON/WSA MASTER SEWER & WATER AGREEMENT

WHEREAS, Leland Investments, LCC, property owner, has requested that the County of Fauquier consent to the provision of public water and sewer by the Town of Warrenton to PIN #6984-85-3809, 6984-96-1546 & 6984-98-0388; and

WHEREAS, the request would result in the amendment of the Fauquier County/Town of Warrenton/WSA Master Water and Sewer Agreement pursuant to the terms contained in Section 12 of the Agreement; and

WHEREAS, both the Town and County were provided written notice of the request at least thirty days prior to the date of this resolution; and

WHEREAS, the properties are located in the Warrenton Service District and are planned for the provision of public water and sewer; and

WHEREAS, the Fauquier County Water and Sanitation Authority is unable to provide public water and sewer to the subject property; and

WHEREAS, the request has been reviewed by the Town/County Liaison Committee and comes forward with the unanimous recommendation for approval by the County's committee members; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That the Board of Supervisors does hereby consent to the provision of public water and sewer services by the Town of Warrenton to PIN #6984-85-3809, 6984-96-1546 & 6984-98-0388, subject to the following conditions:

- a. Adoption of a resolution by the Town Council of the Town of Warrenton agreeing to extend public water and sewer services to the subject parcel and authorizing the expansion of the service area pursuant to Section 12.4 of the Fauquier County/Town of Warrenton/WSA Master Sewer & Water Agreement.
- b. Expiration of the time periods for WSA review of the proposed extension of services to the subject property pursuant to Section 12.2 of the Fauquier County/Town of Warrenton/WSA Master Sewer & Water Agreement.
- c. Dedication to Fauquier County for public park and open space use, subject to a wetlands mitigation bank, of the portion of the subject property shown as Open Space areas B & C on the Sketch dated 05/10/02 (Rev.).
- d. A maximum of 161 single family detached residential units to be located on the subject properties.
- e. Development of the properties in substantial conformance with the aforesaid Sketch Plan.
- f. Landscaping and tree buffering on Open Space Parcels B&C as directed by County.

- g. Proportionate share contribution for signalization of Walker Drive based upon Applicant's traffic analysis study.

and; be it

RESOLVED FURTHER, That pursuant to Section 12.4 of the Fauquier County/Town of Warrenton/WSA Master Sewer & Water Agreement, the Board of Supervisors be, and is hereby, authorized to expand the exclusive water and sewer service area for the Town of Warrenton to include PIN #6984-85-3809, 6984-96-1546 & 6984-98-0388; and, be it

RESOLVED FINALLY, That pursuant to Section 12 of the Fauquier County/Town of Warrenton/WSA Master Sewer & Water Agreement the County Administrator be, and is hereby, directed to forward a copy of this resolution to the WSA and give notice of this request and the Board's consent subject to the expiration of the WSA's period to respond.

A Resolution to Schedule an Adjourned Meeting of the Fauquier County Board of Supervisors

RESOLUTION

A RESOLUTION TO SCHEDULE AN ADJOURNED MEETING OF THE FAUQUIER
COUNTY BOARD OF SUPERVISORS

BE IT RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That an adjourned meeting of the Board be, and is hereby, scheduled for Monday, June 3, 2002 at 7:00 p.m. at Liberty High School, for the purpose of having a joint work session with the Fauquier County School Board.

**AN ORDINANCE APPROVING AMENDMENTS TO ARTICLE 8 OF THE FAUQUIER
COUNTY ZONING ORDINANCE REGARDING SIGN REGULATIONS IN THE
PLANNED RESIDENTIAL DEVELOPMENT MIXED USE (PDMU) AND PLANNED
COMMERCIAL AND INDUSTRIAL DEVELOPMENT (PCID) DISTRICTS**

Ms. McCamy moved to adopt the following ordinance. The Board of Supervisors held a public hearing on January 22, 2002, to consider the sign amendment package proposed by the Vint Hill Economic Development Authority. The Board had opted to schedule a work session on February 19, 2002, to permit additional examination of the proposed amendments before taking any final action. On March 18, 2002, and April 15, 2002, the Board of Supervisors held work sessions to discuss amendments to Article 8 of the zoning ordinance for signs located in the Planned Residential Development, Planned Development Mixed Use, and Planned Commercial and Industrial Development districts. The April 15th work session included discussion on the number of signs permitted for commercial shopping centers and the addition of standards regarding Planning Commission approval or denial of a sign design package. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE APPROVING AMENDMENTS TO ARTICLE 8 OF THE FAUQUIER COUNTY ZONING ORDINANCE REGARDING SIGN REGULATIONS IN THE PLANNED RESIDENTIAL DEVELOPMENT MIXED USE (PDMU) AND PLANNED COMMERCIAL AND INDUSTRIAL DEVELOPMENT (PCID) DISTRICTS

WHEREAS, Article 8 of the Fauquier County Zoning Ordinance regulates signs located in Fauquier County; and

WHEREAS, the applicant has submitted zoning ordinance text amendments to provide more flexibility for signs located in planned development districts; and

WHEREAS, the amendments would lead to standardized colors, shapes, sign materials and type fonts for signs in planned development districts; and

WHEREAS, a sign design package would be approved by a permanent property owners' association, home owners' association or permanent design review committee; and

WHEREAS, the applicant would submit the sign design package to the Fauquier County Planning Commission for review, public hearing and approval; and

WHEREAS, the absence of a sign design package will mean existing sign regulations will be in effect for a planned development; and

WHEREAS, the Fauquier County Planning Commission conducted a public hearing on November 29, 2001; and

WHEREAS, the Planning Commission voted to forward the amendment package in this form with a recommendation of approval; and

WHEREAS, the Fauquier County Board of Supervisors held a public hearing January 22, 2002; and

WHEREAS, the Board of Supervisors held work sessions on March 18, 2002, and April 15, 2002; and

WHEREAS, the Board of Supervisors believes the proposed amendments will be in the spirit of the sign ordinance while providing planned development districts with greater flexibility; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 20th day of May 2002, That Article 8 of the Fauquier County Zoning Ordinance be amended to add regulations for signs located in the Planned Residential Development (PRD), Planned Development Mixed Use (PDMU) and Planned Commercial and Industrial Development (PCID) Districts. The following material will be integrated into the pertinent areas of Article 8 of the Zoning Ordinance:

8-201 Banners: Banners are sections of vinyl or banner cloth used to create a lively atmosphere, promote special or seasonal times or events, and generally enhance

a streetscape or parking area. Banners may be supported from street or parking area light poles using clamp-on brackets intended for that purpose.

Owner's Sign: Any sign that identifies an individual, partnership or corporation owning commercial or industrial space that is an individual business so identified by license. Each application by an owner for a sign permit will be accompanied where required by an approval from the property owners' association of the size and design of the sign requested.

Site Map Sign: Any sign that contains a map of the overall project or property identifying the various land use components by their project names. The purpose of a Site Map Sign is to orient a visitor to the overall project design and help in directing the visitor to his/her desired site destination. A Site Map Sign may also contain a directory of owner and tenant names and give their locations by street name and number or by other graphic codes.

Site History Sign: Any sign that describes the history of a particular property. The history may be composed of text and/or graphics that identify events, persons, or activities that occurred on or were associated with the property and that have a particular historic value.

Suspended Sign: Any commercial sign suspended from a roof, overhang or covered structure projecting from or extending from a building façade that may be cantilevered or supported, such as a sign suspended under a covered exterior walkway.

Entrance Feature Sign: Any structural feature consisting of a name, logo, address, wall, retaining wall, fence, gate or combination thereof that is used as an entry feature on one or both sides of a public or private street into a development project or into a distinct land use component within a project.

Land Use/Section Identification Sign: Any sign that is used to help orient or direct visitors to particular sections or land use components of a larger project. A Land Use/Section Identification sign can either be an entrance orientation sign that graphically shows the various land use components or sections of the overall site to help in initial site orientation, or it can be a smaller directional sign within the overall project directing visitors to particular land use components or sections through graphic identification and signage.

Traffic Control Sign: Any sign that is intended to instruct or direct vehicle drivers, sports equipment operators, or pedestrians in relation to traffic control safety. Traffic control signs may consist of standard Virginia Department of Transportation (VDOT) traffic control signs, or they may be custom-designed traffic control signs or sign supports that incorporate VDOT traffic control signs. Any custom-designed traffic control sign or support must receive VDOT approval prior to installation.

Temporary Marketing Signs: Any non-permanent sign that is used for real estate marketing and is used at display models or on sites of individual properties for sale or lease.

Safety Warning Sign: Any small sign applied on the outside of a utility equipment site or piece of utility equipment that provides safety warnings or emergency contact information.

Project Logo Sign: A sign that consists solely of a graphic logo for a company or a real estate project.

Monument Sign: A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

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Part 4 8-1400 CONSERVATION, AGRICULTURE, VILLAGE, ~~PLANNED COMMUNITY~~, RESIDENTIAL AND MOBILE HOME ZONES

8-1401 Only the following signs shall be permitted in Conservation, Agriculture, Village, ~~Planned Community~~, Residential and Mobile Home Zones:

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Part 16 8-1600 PLANNED DEVELOPMENT MIXED USE DISTRICT (PDMU), PLANNED RESIDENTIAL DEVELOPMENT DISTRICT (PRD) AND PLANNED COMMERCIAL INDUSTRIAL DEVELOPMENT DISTRICT (PCID) ZONES

8-1601 Planned district zoning allows mixed land use types in one project. Planned districts may consist of large acreage sites that develop different land use sections simultaneously. Large planned sites may also be developed in multiple phases over a long time frame. Planned districts, especially large acreage planned projects, have different signage requirements than do single land use districts and small acreage sites developed at one time. Part 8-1600 provides separate standards for the different signage needs that PDMU-, PRD- and PCID-zoned, mixed land use districts require.

8-1602 The signage requirements of Part 8-1500 Commercial Zones and Industrial Zones apply, unless projects in PDMU, PRD and PCID planned districts meet the project requirements of Section 8-1603 and choose to have the requirements of Section 8-1600 apply to their projects. Signage requirements for PDMU, PRD and PCID planned districts that of Section 8-1600 are contained *only* in Part 8-1600.

8-1603 Signage Design Package Recommended:
A. A Signage Design Package can be used for any project in a PDMU, PRD or PCID district that will have:
(1) multiple land use types;
(2) multiple development phases;
(3) "for sale" development sites for different land use types;
(4) the potential for individual sites to be purchased and developed before the overall PDMU, PRD or PCID project is fully developed;
(5) a permanent property owners' association, home owners' association, or a permanent design review committee that will

approve architectural, design and landscaping proposals for improvements in the project prior to submittal for County approvals.

- B. Signage Design Packages, when used under Section 8-1600, must be included as part of the design guidelines in the property owners' association documents.
- C. A Signage Design Package will graphically present the size, shape and format for each type of sign that the applicant foresees for the project. All proposed sign formats will be dimensioned. Colors, type fonts, and construction materials to be used will be specified for all proposed signs.
- D. Upon approval of the Signage Design Package by the Planning Commission, all new signs within the boundaries of the PDMU, PRD or PCID project will adhere to the standards of the approved Signage Design Package.
- E. Custom-designed and constructed highway/street and traffic control signage may be approved as part of the Signage Design Package, provided that standard VDOT traffic sign sizes, shapes and colors are used. The cost of installation, long-term maintenance and replacement of custom-designed highway/street signage must be assumed by a property owners' association or similar organization that will remain in permanent existence. Two (2) unsigned, proposed agreements will be submitted. The first will be between Fauquier County and VDOT assigning maintenance responsibility for the signage to Fauquier County. The second proposed agreement would be between Fauquier County and the applicant or the permanent property owners' association. The second agreement will assign signage acquisition costs and permanent maintenance costs of the custom-designed traffic control signage to the property owner or to the permanent property owners' association. Signing of both agreements must occur before any custom-designed traffic control signs can be installed on the project site. Should the property owner or permanent property owners' association fail to maintain the approved, custom-designed traffic signs, the County can cancel the signed agreements after giving notice to do so, and the property owner or permanent property owners' association will, at its cost, be required to replace the special VDOT traffic signs then installed with standard VDOT traffic signs and supports.

8-1604

Permitted Types of Signs within a Signage Design Package:

- A. Temporary signs.
- B. Directional signs.
- C. Tenant signs.
- D. Owner's signs.
- E. Site map signs.
- F. Site history signs.
- G. Freestanding identification signs.
- H. Freestanding street address signs.
- I. Shopping center signs.
- J. Canopy signs.

- K. Suspended signs.
- L. Building mounted identification signs.
- M. Building mounted address signs.
- N. Entrance feature/identification signs.
- O. Land use/section area identification signs.
- P. Theater signs: Signs advertising the acts or features to be given in a theater may be displayed on permanent frames erected on the theater building; provided that the bottom of such frame erected flat against a wall may not be less than ten (10) feet above the sidewalk, alley or parking area; and provided further that when the area of such frame facing a street, alley or parking area does not exceed twenty-four (24) square feet and the area of all such frames facing such street, alley or parking area does not exceed forty-eight (48) square feet.
- Q. Tube illuminated signs (in retail establishments only): One (1) such sign per retail establishment is allowed if displayed in the window and the size is restricted to a maximum of four (4) square feet in size.
- R. Street banners and seasonal displays: Street banners and seasonal displays depicting seasonal, logo, holiday, special events, graphic designs or color panels may be placed on street light poles or parking area light poles. Street banners must be removed or replaced by the property owner or Property Owners' Association when they become faded, tattered or when their support mountings are broken. Street banners must be placed at a height that allows for passage of commercial trucks. Banner sizes are limited to a maximum of 2' x 5'. The owner/installer is responsible for insuring the structural integrity of the supporting poles before street banners and seasonal displays are installed.
- S. Traffic control signs.
- U. Temporary marketing signs.
- V. Safety warning signs.
- W. Project logo signs.
- X. Real estate signs.
- Y. Contractor and subcontractor signs.
- Z. Temporary paper, cardboard or plastic show window signs when mounted inside of retail windows.

8-1605. Area of a Sign for PDMU, PRD and PCID Districts:

- A. The area of a sign shall mean and include the area within rectangular lines inscribed around any and all words, symbols or pictorial elements on the face of a sign, provide that:
- B. The area of a sign or any portion thereof having a distinctive or ornamental background shall include the area enclosed by such border, and the area enclosed therein, except for Entrance Feature Signs into PDMU, PRD and PCID developments or land use sections within such developments, where background walls, retaining walls, or entry gate features on which signs are mounted will not be considered as being within the area of the sign. The area of the sign will be the area of a rectangle inscribed around the actual wording and/or logo.
- C. The area of a sign or any portion thereof on a building having a distinctive or ornamental background, which sets such background apart from a larger

surface so that it forms an integral part or element of the sign, as distinguished from a functional part of the building exclusive of such sign, shall include the area of such background.

- D. The area of a freestanding sign or any portion thereof having a background that extends beyond the words, symbols or pictorial elements thereof shall include the area of such background.
- E. If any portion of the words, symbols or pictorial elements of a sign extend beyond a border or background, the area of such sign shall be the area of a rectangle inscribed around the sign extension.
- F. The area of a double-face sign, as herein defined shall be considered to be the area of one face only.

8-1606. Maximum Sign Area in PDMU, PRD and PCID Districts:

- A. Fronting on one (1) or two (2) state highways: on commercial, industrial or retail properties housing only one (1) tenant, the total maximum allowable sign area will not exceed two (2) square feet of area for each of the first fifty (50) linear feet of building frontage, plus one (1) square foot of sign area for each linear foot over fifty (50) linear feet of building frontage. No total sign area, including the area of any freestanding sign, shall exceed 150 square feet in area.
- B. The same maximum allowable sign area of "A" above will also apply to any commercial, industrial or retail property housing more than one (1) tenant. No total sign area, including the area of any freestanding sign, shall exceed 150 square feet in area.

8-1607. General Regulations:

The following General Regulations shall apply in addition to the specifications contained in the approved Signage Design Package.

- A. Building-mounted signs may project not more than eighteen (18) inches therefrom; except, that signs may be projecting signs if they do not project into any minimum required yard or do not project beyond the street line nor nearer than two (2) feet from any curb line.
- B. Signs may be on the vertical face of a marquee but shall not project below the lower edge of the marquee. No part of the sign shall extend above the vertical marquee face.
- C. Canopy, Awning or Marquee: No entrance canopy or awning shall bear any advertisement, lettering or symbol other than the name of the business and its street address. Marquees shall bear no structural weight of the building and shall support no structure, utility shed or other facility.
- D. The location of all freestanding signs, where permitted, in no instance shall project beyond any property line nor be within two (2) feet of the curb line of a service drive or travel lane or adjoining street.

- E. All signs shall have a minimum clearance of eight-and-one-half (8.5) feet above a walkway and fourteen (14) feet above a street, driveway or alley used by truck traffic.
- F. Temporary signs announcing events sponsored by civic and other nonprofit organizations may be displayed for no longer than thirty (30) days.
- G. Double-Face Sign: Double-face signs are considered one (1) sign when used on a freestanding sign.
- H. Freestanding signs shall be permitted only as follows:
 - (1) one [1] for each street frontage, or
 - (2) one for each individual enterprise or group of enterprises not constituting a shopping center where the building is set back at least twenty-five [25] feet from the front lot line.
 - (3) Freestanding signs as may be reasonably necessary to indicate "entrance" and "exit" to places of business shall be allowed provided that such signs include only the words "entrance" and "exit". Such sign shall not exceed four [4] feet above ground level.
- I. No sign other than the one indicated on the sign application shall be attached to a freestanding sign.
- J. Lighting of signs shall be specified in the Signage Design Package or in the project Architectural Design Standards. Outdoor signage lighting will conform to the performance standards of Article 9 of the Fauquier County Zoning Ordinance.
- K. Real Estate, Contractors, Subcontractor and Directions Signs: Real estate, contractors, subcontractors and temporary directional signs shall be permitted subject to the following provisions:
 - (1) Real Estate Signs: One [1] sign per lot for the purpose of advertising the sale, lease or future use when erected or displayed on the lot or property so advertised. A sign shall not exceed six (6) square feet and must be set back at least six (6) feet from the property line. Sign area not to exceed thirty-two (32) square feet shall be permitted when such sign is set back at least fifty (50) feet from the property line. The design of real estate signs shall be described in the Signage Design Package. Real estate signs must be removed within five [5] days of the final sale or lease of the lot or property so advertised.
 - (2) General Contractor and Subcontractor Signs: One [1] general contractor's sign, not exceeding sixteen [16] square feet in area, and one [1] sign for each principal subcontractor, not exceeding six [6] square feet in area, when erected or displayed on the premises upon which building or site operations are being conducted. Height of freestanding signs for contractor and subcontractor signs shall be described in the Signage Design Package. The aggregate of the general contractor and subcontractor signs shall not exceed 32 square feet. All general contractor and subcontractor signs shall be removed upon completion of work.
 - (3) Directional Signs: Primary, Secondary and Minor directional signs are permitted as needed and when their designs are specified in the

Signage Design Package. Directional signs can direct to subproject areas, streets, land use areas [such as a retail, residential or industrial sections], street numbers and individual tenants/property owners and can contain names, street numbers and directional arrows.

L. Signs for A Commercial Shopping Center: A commercial shopping center may have one (1) primary identification sign and secondary identification signs as needed located at alternate entrances to the shopping center. The designs of primary and secondary commercial shopping center signs shall be described in the Signage Design Package.

(1) Primary Identification Sign: A commercial shopping center may have one (1) primary freestanding identification sign. The primary identification sign may contain the name of the center, address and the names of the major commercial tenants in the shopping center. The maximum size of a primary identification sign shall not exceed seventy-five (75) square feet, excluding any planter or retaining wall on which it is located.

(2) Secondary Identification Signs: The size of secondary identification signs shall be as shown in the approved Signage Design Package. Only the name of the shopping center, street name and number and directional information may be on secondary identification signs. No names of tenants are allowed on secondary identification signs. The maximum size of a secondary identification signs shall not exceed forty-five (45) square feet, excluding any planter or retaining wall on which it is located.

(3) Commercial Arcade, Building Mounted, Window, Canopy, Suspended, Marquee, Parapet Wall and Wall Signs: The design and sizes of commercial arcade, building mounted, window, canopy, suspended, marquee, parapet wall and wall signs to be allowed in a planned district shall be included and shown in the Signage Design Package.

M. Signs for Stand-Alone Commercial Buildings: No individual enterprise(s) located within or on the same lot as the principle use shall be permitted a separate freestanding sign. These enterprises are allowed building mounted signs only, sign area being based on linear building frontage. Commercial buildings in mixed-use districts that are designed as “stand-alone” commercial buildings on individual lots may have the following signage. The designs for signage for stand-alone buildings shall be described in the Signage Design Package.

(1) Street Frontage Identification Signs: One (1) street front identification sign is allowed per side of lot having street frontage. The sign may contain the name, address, logo and slogan of the commercial business(es). No individual street front identification sign shall exceed 50 square feet in area, excluding any planter beds or retaining walls on which it is located.

- (2) Building Wall Signs: One (1) building wall sign is allowed per side of building having street frontage. The total maximum allowable sign area for each wall sign will not exceed two (2) square feet of area for each of the first twenty-five (25) linear feet of building frontage. No individual wall sign shall exceed fifty (50) square feet in area.

N. Residential Area Signs:

- (1) Entrance Features/Identification Signs: Separate residential areas may have entrance features/identification signs that contain the name of the residential community.
- (2) Directional Signs: Directional signs showing street names, street numbers and directional arrows may be used in residential areas.
- (3) Freestanding Identification Signs: Freestanding identification signs may be used to identify community features, such as a community center, picnic area or pool facility.
- (4) Real Estate Sales Signs: One (1) temporary real estate sale or lease sign may be placed in the front yard of units for sale or lease. The sign shall not exceed six (6) square feet in area nor six (6) feet in height. The sign area shall not exceed twelve (12) square feet in area nor exceed ten (10) feet in height when such sign is set back at least fifty (50) feet from the front property line. Temporary signs indicating "open house" may be used only on the day of an open house event and must be removed immediately upon ending of the event. Signs naming the model design and builder of model homes may be placed in the yards of model homes and remain until sales activities are completed for the models. No strings of flags or flashing lights are permitted as real estate signs. Small, temporary signs indicating that a lot is sold and providing the name, town and state address of the purchaser may be used when included as part of the Signage Design Package.

8-1608. Sign Formats Consistent with Signage Design Package: All project sign formats that are prepared under provisions of Section 8-1600 must be consistent with the colors, type font and materials as specified in the project Signage Design Package, except where the Signage Design Package allows for established corporate signage within an established sign format.

8-1609. Sign Colors:

- A. The Site Design Package will specify the proposed colors of project sign formats and the colored elements used to unify sign formats.
- B. Individual purchasers or lessees of project property will be able to use their own corporate colors for individual names and corporate logos within the sign size and color formats specified in the Site Design Package.

- 8-1610. Sign Type Fonts:
- A. The Site Design Package will specify the type fonts to be allowed on the project's various signs. Type font heights will be specified for the various types of project signs contained in the Site Design Package.
 - B. Individual purchasers or lessees of project property will be able to use their own corporate type fonts for corporate names and corporate logos where such usage is allowed within the project site design formats. For example, the Coca-Cola script may be used within an established sign format that prescribes other type fonts for non-registered trademarks or names.
- 8-1611. Sign Materials:
- A. The Site Design Package will specify the types of materials proposed for construction or use on the project's various signs. Sign poles, supports, panels, attachments, lettering and visible base materials will be identified.
 - B. Individual purchasers or lessees of project property may select sign materials for their individual signs where the Site Design Package so allows.
- 8-1612. Area of Signs:
- A. Viewing distances may vary extensively based on the size of streets, speed limits on adjacent streets, and the sizes of lots or buildings in PRD, PDMU or PCID project sites. The signage sizes specified and approved in the project Site Design Package will govern sign sizes within individual PRD-, PDMU- and PCID-zoned projects that meet the requirements of Section 8-1600.
 - B. The Site Design Package will provide graphic scale comparisons of proposed signs with a normal human figure. Scale comparisons will not be required for standard sized VDOT traffic control signs or safety warning signs.
 - C. Individual purchasers or lessees installing their individual signs in accordance with the Site Design Package will be required to show scale comparisons when filing for a sign permit.
- 8-1613 Approval Process for Signage Design Package:
- A. Submittal: The Planning Commission is the approval agency for a Signage Design Package. An applicant shall submit a Signage Design Package for approval to the Planning Commission. The Signage Design Package shall be submitted with either the final site design for the first phase of development or prior to construction of the first phase of lot or site development. Approval of a Signage Design Package is required prior to construction or erection of any new site signage.
 - B. Review: The Department of Community Development staff shall have sixty (60) days for review of the proposed Signage Design Package. The package can be sent back to the applicant for changes or modifications or it can be added to the next Planning Commission agenda for action.

A changed or modified package that addresses the staff's comments and is resubmitted shall be added to the Planning Commission agenda within forty-five (45) days.

- C. Public Hearing Required: A public hearing on a Signage Design Package is required before Planning Commission approval in accord with Section 15.2-2204 of the Code of Virginia.
- D. Flexibility in Package Consideration: The legitimate signage needs for PDMU, PRD and PCID projects will vary with the mixture of uses, phasing plans and size of the project site.
- E. Planning Commission Actions: The Planning Commission can approve the Signage Design Package, reject the package, or recommend changes or modifications that will make it acceptable. If the Planning Commission recommends changes or modifications, the modified and resubmitted package will be placed on the next Planning Commission agenda for action that meets the time schedule for agenda item submittal. At the second meeting of the Planning Commission, the Commission may deny approval for any design package which fails to satisfy the requirements of this ordinance, or approve the design package and impose modification to lighting standards, and modifications to specified color and font type.

8-1614 Approval Process for Signs Submitted in Accordance with a Signage Design Package:

- A. Prior Property Owners' Association Approval: An applicant for a County sign permit in a PDUM-, PRD- or PCID-zoned project that has an approved Signage Design Package will first obtain written approval from the property owners association that the proposed sign is in conformance with the approved Signage Design Package before applying for a County sign permit.
- B. Application for County Permits: Application for a permit shall be made to the Zoning Administrator of Fauquier County on forms furnished by that office. Each application shall be accompanied by plans showing the area of the sign or signs; the size and design proposed; the method of illumination, if any; the exact proposed location for such sign; and in the case of suspended or wall signs, the method of fastening such sign to its supporting structure. In any case where the applicant is not the owner (or owners) of the property on which a sign is to be erected, no permit shall be granted without the written consent of the owner (or owners), who shall also acknowledge in writing to be bound by the provisions of this Ordinance. More than one sign for the same business establishment or activity may be included in one permit.
- C. Proof of Prior Approval: The applicant for a County sign permit will submit written proof of the property owners' association approval to the County, along with the required application for the sign permit.
- D. County Sign Design Permit Approval: The County will review the property owners' association statement of approval, the approved project Signage Design Package, and the sign permit application information to insure conformity before issuing a Sign Design Permit.

8-1615 Amendments to an Approved Signage Design Package:

- A. The owner or a property owners' association may file to amend or add elements to an approved Signage Design Package. The purpose of amending the Package should be to refine the designs where necessary or desirable and/or to add new sign formats that are needed to meet new signage needs. Only the new or proposed amendments to the Signage Design Package shall be subject to review and approval.
- B. The applicant shall submit the required copies of the proposed Package amendments or additions, together with a copy of the approved Signage Design Package, for consideration and approval to the Department of Community Development. Department staff can administratively approve minor amendments and the addition of new sign elements that follow the approved signage format from the approved Signage Design Package.
- C. Major changes to approved signage formats, as defined by the Department staff, or additions of a large number of new sign formats, will require approval of the Planning Commission. A public hearing on the amendments or additions to a previously approved Signage Design Package is required. Minor changes or additions to an approved Signage Design Package may be approved by the Director.
- D. Total redesign of an approved Signage Design Package shall not be considered an amendment but shall be treated as a new application for initial Signage Design Package approval and will require approval of the Planning Commission.

8-1616 Fee:

A fee shall be paid prior to issuance of a sign permit in accordance with the existing fee schedule of Fauquier County, as established by the Board. The sign permit and fee shall expire and a new permit and fee will be required if the permitted signage has not been erected within a one (1) year period from issuance of the permit. No permit or fee shall be necessary for erection or replacement of a required traffic control sign.

8-1617 Liability:

No permit shall be granted and no permit shall be valid unless and until the permit holder shall have signed an agreement to indemnify and save harmless Fauquier County from any and all loss or damage to property, or injury or death of any and all persons, and suits, claims, liabilities or demands of any kind whatsoever resulting directly or indirectly from the erection, use, maintenance, or alteration of any sign or other device authorized by such a permit.

8-1618 Revocation of Permits:

If an individual sign (or signs) is not erected within one (1) year following the issuance of a sign permit, said permit shall become null and void as to such sign or signs. Under no circumstances are permit fees refundable.

All rights and privileges acquired under the provisions of this Article or any amendments thereto are revocable by the Zoning Administrator of Fauquier County for cause or whenever there is a violation of the Zoning Ordinance, and all sign permits shall so state.

8-1619

Temporary Signs:

- A. One temporary sign shall be allowed for a period not to exceed thirty (30) consecutive days.
- B. Persons responsible jointly or severally for the removal of a temporary sign are the occupant of the premises on which it is located, the owner of the sign, the owner of the premises on which the sign is located, the person responsible for its erection.
- C. No temporary political signs shall be permitted in public or private street rights-of-way or common areas owned by a property owners association. Temporary political signs are permitted only on fee simple owned property. Temporary political signs shall in no case be erected more than ninety (90) days prior to an election or referendum and shall not remain erected for more than fifteen (15) days after the election. Persons responsible jointly or severally for the maintenance and removal of political signs are the candidates, spokesmen or campaign committees, the owner of the premises on which the signs are located, the person erecting the sign, and the person causing erection of the sign.
- D. No temporary sign in a PDMU, PRD or PCID zone shall exceed thirty-two (32) square feet in area or eight (8) feet in height.
- E. Construction signs permitted in a PDMU, PRD or PCID zone and designed in accordance with designs specified in an approved Signage Design Package shall be erected no more than five (5) days prior to the beginning of construction for which a valid building or grading permit has been issued, shall be confined to the site of construction and shall be removed within 14 days of completion of construction.
- F. Temporary signs announcing events sponsored by civic and other nonprofit organizations may be displayed for no longer than thirty (30) days. These signs are not to be deducted from the allowable signage for a premises. All signs must be removed within seven (7) days after the event. Persons responsible jointly or severally for the maintenance and removal of these signs are the club or organization officers, committee chairman or committee members, the owner of the premises on which the signs are located, the person erecting the sign, the person causing the erection of the sign.
- G. No permanent sign may be painted directly onto the exterior surface of a building, except for street numbers on glass doors of commercial/retail businesses.
- H. Any arrangement by exposed tubing or a series of lights in rows, strings, patterns or designs that outline or are affixed to any portion of a building

or structure are prohibited. This prohibition does not apply to exposed tubing or lights that are an integral part of an approved sign or sign structure; nor does this prohibition preclude those seasonal displays or decorations for events, such as religious holidays and the Fourth of July, not advertising a product, service or entertainment.

8-1620

Removal of Signs:

- A. Whenever the use of a building or premise in a PDMU, PRD or PCID zone by a specified business or occupation is discontinued, signs pertaining to that business or occupation that were previously erected or displayed on that building or as a freestanding sign shall be removed within a period of twenty-one (21) days following the vacation of the premises by such business or occupation. If, after written notice from the Zoning Administrator, such signs are not removed within ten (10) days, the Zoning Administrator shall cause such removal and charge the cost to the owner of the premises.
- B. The Zoning Administrator shall give written notice to the sign permittee to remove such sign with five (5) days when it is in violation of any provision of this Article (except nonconforming signs). It shall be the duty of the sign permittee to remove it within that time or bear the cost for its removal by the Zoning Administrator or his authorized representative. The owner of the premises shall be responsible only in the event that the sign permittee's business is abandoned and/or tenant cannot be located by reasonable effort.
- C. The Zoning Administrator or his authorized representative shall remove any sign erected in a public right-of-way in violation of any provision of this Article, impound the sign and give written notice to the owner of the sign if ownership is readily determinable. The owner may secure release of the sign upon payment of the cost incurred by the County in removing the sign, plus one dollar (\$1.00) per day for each day of storage. Signs not redeemed within a period of thirty (30) days after the placing of such notice in the mail shall become the property of Fauquier County at the option of Fauquier County.
- D. Any sign that becomes a safety hazard or that is not kept in good general condition and in a reasonably good state of repair and is not, after thirty (30) days written notice to the owner or permittee, put in a safe and good state of repair, is hereby declared a public and private nuisance. It may be removed, obliterated or abated by the Zoning Administrator or his authorized representative. Any sign that in the opinion of the Zoning Administrator constitutes an immediate or imminent danger to life or property may be removed or put in safe condition by him immediately. The County may collect the cost of such removal, obliteration or abatement from the owner or permittee.
- E. Any written notice required of the Zoning Administrator shall be sent to the last known address of the addressee as appears in the tax records of Fauquier County.

**A RESOLUTION ADOPTING THE CATLETT, CALVERTON AND MIDLAND
VILLAGE SERVICE DISTRICT TEXT AMENDMENTS TO THE FAUQUIER
COUNTY COMPREHENSIVE PLAN**

Mr. Graham moved to adopt the following resolution adopting the Catlett, Calverton and Midland Villages Service District Text Amendments to the Fauquier County Comprehensive Plan. The Citizen Planning Committee had its “Kick-Off” meeting on February 17, 2000, with over thirty members. Committee members received preliminary briefings from various County Departments and State agencies on a wide variety of topics including: economic development, emergency services, parks and recreation, schools, wastewater treatment/drain fields, transportation planning, and other associated comprehensive plan subjects. Once this educational period concluded, the Committee was divided into sub-committees, which focused on the assigned three villages. After seventeen work sessions, including a special session with the Virginia Department of Transportation and a public information meeting in May of 2001, the Committee completed its final draft and voted to forward the Catlett, Calverton and Midland Plan for Planning Commission review, public hearing and action. Doug Trumbo, Committee Chairman, briefed the Planning Commission at its August 30, 2001 meeting, and submitted the draft for its public hearing process. The Board of Supervisors conducted a public hearing on March 18, 2002, and action was postponed until the April 15, 2002 meeting. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

**A RESOLUTION ADOPTING THE CATLETT, CALVERTON AND MIDLAND
VILLAGE SERVICE DISTRICT TEXT AMENDMENTS TO THE FAUQUIER
COUNTY COMPREHENSIVE PLAN**

WHEREAS, the Fauquier County Board of Supervisors included the update of the Catlett, Calverton and Midland Service Districts in its 2000 and 2001 Calendar Year Priority projects; and

WHEREAS, in 2002 and 2001, the Board of Supervisors requested by resolution that the Virginia Department of Transportation suspend critical implementation along Route 28, with the exception of spot/safety improvements from Routes 15/29 to the Prince William County line.

The suspension will last until the planning process, which will re-examine roadway alternatives, is completed for the five service districts through which the major primary highway passes; and

WHEREAS, the thirty-five member Citizen Planning Committee and Planning Commission have completed work on the proposed Village Service District Plans, conducted community information sessions, and the requisite public hearing; and

WHEREAS, the Planning Commission recommended adoption of the referenced amendment to the Comprehensive Plan at the conclusion of its 20 December 2001 meeting; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That it adopts the following Catlett, Calverton and Midland Village Service District Amendment to the Comprehensive Plan.

1. Calverton Sewer Remediation Service Area

There are residential lots in the area opposite H.M. Pearson Elementary School on the west side of Bastable Mill Road (Route 603), and in the vicinity of Brookfield Drive. The homes are beginning to report occasional problems with their septic/drain field systems. Page 42, as revised on April 18, 2002, addresses this matter in the underlined text.

2. Catlett Sewer Service Area

Map 6.6C1 - PHASE 3 SEWER SERVICE identifies where the proposed disposal site for the wastewater treatment plant and spray irrigation for the small diameter step system would be located. That location is crosshatched and marked as B. The area marked as A, B, and C is one parcel and zoned RA. The map also identifies a portion of the Phase 1 - Sewer Service Area. The addition of A into the Service District would allow flexibility for the internal transfer of residential density from A and B to C consistent with applicable land development regulations. The areas marked A and C are not to be included in the Phase 1 - Sewer Service Area, but may petition through the comprehensive plan amendment process to add to the capacity of the planned wastewater treatment facility, pending adequate disposal capacity, at location B for a subsequent phase. Note that Phase 1 - sewer capacity is reserved exclusively for the Phase 1 - Sewer Service Area as marked. Page 16, as revised on April 18, 2002, addresses this matter in the underlined text.

3. Village of Midland Future Land Use Plan

The possible acquisition of a portion of the Wampler property for the County park has initiated a proposed change for the future land use plan. Page 42, as revised on April 18, 2002, addresses this matter in the underlined text.

4. Relocation of Route 28

Relocation of Route 28 south of the Railroad is addressed in the underlined text on Page 48, as revised on April 18, 2002.

A RESOLUTION TO ADOPT THE FISCAL YEAR 2003 – 2007 CAPITAL IMPROVEMENTS PROGRAM (CIP)

Mr. Winkelmann moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

RESOLUTION

A RESOLUTION TO ADOPT THE FISCAL YEAR 2003-2007 CAPITAL IMPROVEMENTS PROGRAM (CIP)

WHEREAS, the Board of Supervisors has established an objective to adopt a Capital Improvements Program (CIP) each year; and

WHEREAS, the CIP Advisory Committee and Planning Commission held several developmental meetings to formulate the recommended CIP; and

WHEREAS, both the Planning Commission and the Board of Supervisors have held public hearings on the recommended CIP; and

WHEREAS, the Board of Supervisors also held a work session on the CIP; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That the attached FY 2003-2007 Capital Improvements Plan be, and is hereby, adopted.

4/15/2002

Fauquier County Capital Improvements Program FY 2003- 2007								
Department	Project	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	Total	
CONSTRUCTION - DEBT								
Board of Supervisors	Radio System*	6,900,000					6,900,000	
Schools	Warrenton /Taylor MS Expansion			4,227,000			4,227,000	
	New Middle School	6,597,000	4,227,000				10,824,000	
	Northwestern ES Renovation		3,143,560				3,143,560	
	New High School Land Acquisition		1,000,000				1,000,000	
Planning Commission	Catlett/Calverton Sewer		2,000,000				2,000,000	
TOTAL DEBT PROJECTS		13,497,000	10,370,560	4,227,000	0	0	28,094,560	28,094,560
DEBT SERVICE COSTS								
Board of Supervisors	Radio System		690,000	690,000	690,000	690,000	2,760,000	
Schools	Warrenton/Taylor MS Expansion				853,000	853,000	1,706,000	
	New Middle School	661,000	1,301,700	1,724,400	1,724,400	1,724,400	7,135,900	

	Northwestern ES Renovation			314,356	314,356	314,356	943,068	
	New High School Land Acquisition			100,000	100,000	100,000	300,000	
Planning Commission	Catlett/Calverton Sewer			200,000	200,000	200,000	600,000	
TOTAL DEBT SERVICE COSTS		661,000	1,991,700	3,028,756	3,881,756	3,881,756	13,444,968	13,444,968
CONSTRUCTION - CASH								
Planning Commission	Catlett Calverton Sewer		900,000				900,000	
Sheriff's Office	Detention Center Office *	150,000					150,000	
	South Sub-Station			500,000			500,000	
Schools	Fauquier HS Tennis Courts *	187,000					187,000	
Parks and Recreation	Pools - Central *	1,357,540					1,357,540	
	Pools - Southern			427,542	1,140,000		1,567,542	
TOTAL CONSTRUCTION PROJECTS - CASH		1,694,540	900,000	927,542	1,140,000	0	4,662,082	4,662,082
MAJOR SYSTEMS REPLACEMENT								
Schools	HVAC Replacmnt - Schools	900,000	525,000	100,000		150,000	1,675,000	
	School Roofs	387,000	451,800	934,600	546,900		2,320,300	
	Fauquier HS Student Lockers		100,000	146,000			246,000	
General Services	HVAC Replacements - County *	53,400	81,700	92,400	18,200		245,700	
	County Roofs		95,700	57,400	216,800		369,900	
	Hospital Hill Bldg-HVAC					370,400	370,400	
	Hospital Hill Bldg - Window Replacement					63,800	63,800	
Parks & Recreation	Cedar Lee/Marshall Courts **	34,000	72,500				106,500	
	CMCP Reroofing					56,275	56,275	
	Comprehensive Plan Update					84,413	84,413	
TOTAL MAJOR SYSTEMS REPLACEMENT PROJECTS - CASH		1,374,400	1,326,700	1,330,400	781,900	724,888	5,538,288	4,163,888
TECHNOLOGY								
Schools	Starbase Server	52,300					52,300	
	Instructional Technology #1	348,000					348,000	
	Administrative Technology	25,800	26,600	27,400	28,300	29,000	137,100	
	Instructional Technology #2	560,320	577,200	594,500	612,300	630,700	2,975,020	
	School Library Technology	128,300	123,500	87,300	74,000	77,300	490,400	
Information Resources	Desktop Computer & Printer Replacement	231,750	238,703	245,864	253,239	260,837	1,230,393	
	HP9000			44,200			44,200	
	AS400				243,000		243,000	
County	Financial System Replacements/Enhancements	0	45,000				45,000	
TOTAL TECHNOLOGY PROJECTS - CASH		1,346,470	1,011,003	999,264	1,210,839	997,837	5,565,413	5,565,413
GRAND TOTAL GENERAL REVENUE SUPPORTED		5,076,410	5,229,403	6,285,962	7,014,495	5,604,481	29,210,751	15,810,783

A RESOLUTION TO APPROPRIATE THE FISCAL YEAR 2003 BUDGET

Mr. Winkelmann moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO APPROPRIATE THE FISCAL YEAR 2003 BUDGET

WHEREAS, it is the responsibility of the Fauquier County Board of Supervisors to approve and control the County's fiscal plan for FY 2003; and

WHEREAS, the Board of Supervisors adopted the FY 2003 County Budget on March 25, 2002; and

WHEREAS, it is the intent of the Board of Supervisors that departments and agencies shall adhere to the funds appropriated in accordance with departmental budgets presented by the County Administrator and adjusted by the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That local tax supported appropriations of the School Division's overall budget of \$86,863,374 shall not exceed \$58,996,292, of which \$6,181,496 is for Debt Service; and, be it

RESOLVED FURTHER, That the following appropriations be, and are hereby, approved effective July 1, 2002, as set forth below; and, be it

RESOLVED FINALLY, That all financial activities, purchases, travel, personnel actions, etc., shall be in accordance with the policies and procedures established by the Board of Supervisors and administered by the County Administrator.

FY 2003 APPROPRIATED BUDGET

	Adopted	2% Salary	Appropriated
GENERAL FUND			
General Government			
Board of Supervisors	\$368,350	\$2,598	\$365,752
Commissioner of the Revenue	\$1,016,603	\$13,706	\$1,002,897
County Administration	\$460,364	\$7,074	\$453,290
County Attorney	\$473,483	\$5,399	\$468,084
Finance	\$1,386,448	\$13,965	\$1,372,483
Independent Auditor	\$63,462	\$0	\$63,462
Information Resources	\$1,011,909	\$11,807	\$1,000,102
Budget Office	\$233,188	\$2,810	\$230,378

Human Resource Management	\$553,869	\$6,368	\$547,501
Geographic Information System	\$168,756	\$2,184	\$166,572
Registrar	\$255,730	\$2,047	\$253,683
Treasurer	<u>\$859,298</u>	\$10,907	<u>\$848,391</u>
Subtotal	\$6,851,460	\$78,865	\$6,772,595

Judicial Administration

Adult Court Services	\$466,107	\$0	\$466,107
Circuit Court	\$115,823	\$0	\$115,823
Clerk of the Circuit Court	\$782,433	\$9,697	\$772,736
Commissioner of Accounts	\$2,400	\$0	\$2,400
Commonwealth's Attorney	\$661,379	\$9,990	\$651,389
General District Court	\$12,220	\$0	\$12,220
Juvenile & Domestic Relations Court	\$47,211	\$0	\$47,211
Law Library	\$19,000	\$0	\$19,000
Magistrates	<u>\$56,402</u>	\$0	<u>\$56,402</u>
Subtotal	\$2,162,975	\$19,687	\$2,143,288

Public Safety

Detention Center	\$492,000	\$0	\$492,000
Detention Center-Regional Facility	\$539,200	\$0	\$539,200
Joint Dispatch - Administration	\$56,174	\$0	\$56,174
Juvenile Detention	\$225,041	\$0	\$225,041
Juvenile Probation	\$42,000	\$0	\$42,000
Sheriff	<u>\$6,892,580</u>	\$81,550	<u>\$6,811,030</u>
Subtotal	\$8,246,995	\$81,550	\$8,165,445

Public Works

Environmental Services - Convenience Sites	\$1,446,853	\$0	\$1,446,853
General Services	<u>\$2,773,692</u>	\$31,399	<u>\$2,742,293</u>
Subtotal	\$4,220,545	\$31,399	\$4,189,146

Health and Welfare

Community Services Board	\$192,987	\$0	\$192,987
Comprehensive Services Act	\$2,308,505	\$2,423	\$2,306,082
Institutional Care	\$99,857	\$0	\$99,857
Public Health	\$446,599	\$0	\$446,599
Social Services	<u>\$3,280,766</u>	\$26,268	<u>\$3,254,498</u>
Subtotal	\$6,328,714	\$28,691	\$6,300,023

Culture and Education

Lord Fairfax Community College	\$44,366	\$0	\$44,366
Library	<u>\$1,450,594</u>	\$10,728	<u>\$1,439,866</u>
Subtotal	\$1,494,960	\$10,728	\$1,484,232

Community Development

Agriculture Development	\$105,285	\$0	\$105,285
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Community Development	\$1,713,844	\$24,345	\$1,689,499
Contributions	\$450,659	\$0	\$450,659
Economic Development	\$307,632	\$0	\$307,632
Extension Office	\$146,659	\$0	\$146,659
John Marshall SWCD	\$252,904	\$0	\$252,904
Planning Commission/BZA	<u>\$114,514</u>	<u>\$0</u>	<u>\$114,514</u>
Subtotal	\$3,091,497	\$24,345	\$3,067,152

Non-Departmental

Debt Service	\$646,345	\$0	\$646,345
Hospital Hill Property	\$119,994	\$0	\$119,994
Non-Departmental	<u>\$1,599,233</u>	<u>\$284,391</u>	<u>\$1,883,624</u>
Subtotal	\$2,365,572	\$284,391	\$2,649,963

Transfers

Capital Improvements Fund	\$966,222		\$966,222
W-F Joint Communications Center	\$173,440		\$173,440
Airport Enterprise Fund	\$35,308		\$35,308
School Division Operating	\$50,277,116		\$50,277,116
School Debt Services & Transfers	\$8,719,176		\$8,719,176
Parks & Recreation	<u>\$1,362,764</u>	<u>\$9,126</u>	<u>\$1,353,638</u>
Subtotal	\$61,534,026	\$9,126	\$61,524,900

Total General Fund	\$96,296,744	\$284,391	\$96,296,744
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OTHER FUNDS

Airport Enterprise Fund

Airport	\$4,017,708		\$4,017,708
Subtotal	\$4,017,708		\$4,017,708

Environmental Services

Environmental Services	\$5,087,760		\$5,087,760
Subtotal	\$5,087,760		\$5,087,760

Internal Services Fund

Fleet Maintenance	\$1,743,900		\$1,743,900
Subtotal	\$1,743,900		\$1,743,900

Parks and Recreation Fund

Parks and Recreation	\$1,642,687	\$9,126	\$1,633,561
Subtotal	\$1,642,687	\$9,126	\$1,633,561

School Division Fund

School Operating	\$77,035,558		\$77,035,558
School Debt Services & Transfers	\$9,800,816		\$9,800,816
Subtotal	\$86,836,374		\$86,836,374

School Food Service Fund

School Food Service	\$2,910,456	\$2,910,456
Subtotal	\$2,910,456	\$2,910,456

Volunteer Fire and Rescue Fund

Volunteers	\$2,504,088	\$2,504,088
Emergency Operations Service	\$1,349,765	\$1,349,765
Subtotal	\$3,853,853	\$3,853,853

Warrenton-Fauquier JCC Fund

Joint Communications Center	\$1,120,656	\$1,120,656
Subtotal	\$1,120,656	\$1,120,656

Capital Fund

New Middle School	\$6,597,000	\$6,597,000
Public Safety Radio System	\$6,900,000	\$6,900,000
HVAC - Schools	\$900,000	\$900,000
Roofs - Schools	\$387,000	\$387,000
Technology - Schools	\$1,396,360	\$1,396,360
Technology - County	\$281,750	\$281,750
Comprehensive Maintenance - Schools	\$483,160	\$483,160
Comprehensive Maintenance - County	\$267,280	\$267,280
Comprehensive Maintenance - P&R	\$117,192	\$117,192
School Buses	\$350,000	\$350,000
Sheriff's Vehicles	\$200,000	\$200,000
Minor System Replacements - Schools	\$51,400	\$51,400
Food Service Equipment Replacement - Schools	\$51,400	\$51,400
Purchase of Land Development Rights	\$100,000	\$100,000
Subtotal	\$18,082,542	\$18,082,542

TOTAL ALL FUNDS	\$221,592,680	\$221,583,554
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<i>Less County Transfer</i>	<i>(\$61,534,026)</i>	<i>(\$61,524,900)</i>
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<i>Less Other Funds Internal Transfers*</i>	<i>(\$3,619,330)</i>	<i>(\$3,619,330)</i>
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TOTAL COUNTY EXPENDITURES	\$156,439,324	\$0 \$156,439,324
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*School Division Transfer to the Capital Fund

FY 2003 Revenues**LOCAL REVENUE****General Property Taxes**

Real Estate Tax	\$45,080,000	\$45,080,000
Public Service	\$3,691,200	\$3,691,200
Land Use Roll Back	\$100,000	\$100,000
Personal Property Tax	\$22,570,000	\$22,570,000
Delinquent Real Estate Tax	\$750,000	\$750,000

Delinquent Personal Property Tax	\$620,000	\$620,000
Penalties - Real Property - All	\$600,000	\$600,000
Interest - All	<u>\$550,000</u>	<u>\$550,000</u>
Subtotal	\$73,961,200	\$73,961,200

Other Local Taxes

Sales Tax (Local)	\$4,900,000	\$4,900,000
Utility Tax	\$1,900,000	\$1,900,000
Utility Tax - Cellular Phone	\$301,700	\$301,700
BPOL Tax	\$806,000	\$806,000
Utility Consumption Tax	\$150,000	\$150,000
Cable TV Tax	\$130,000	\$130,000
Auto Decals	\$1,365,000	\$1,365,000
Bank Stock Tax	\$83,000	\$83,000
Recording Tax & Fees (Deeds)	\$650,000	\$650,000
Recording Tax & Fees (Wills)	<u>\$20,000</u>	<u>\$20,000</u>
Subtotal	\$10,305,700	\$10,305,700

Permits, Fees, and Licenses

Dog Tags	\$5,000	\$5,000
Land Use Fees	\$17,000	\$17,000
Transfer Fees	\$2,400	\$2,400
Concealed Weapon Permits	\$750	\$750
Community Development Fees	<u>\$889,313</u>	<u>\$889,313</u>
Subtotal	\$914,463	\$914,463

Fines and Forfeitures

Local Fines	\$300,000	\$300,000
Court Judgement Proceeds	\$3,000	\$3,000
Interest On Local Fines	<u>\$3,000</u>	<u>\$3,000</u>
Subtotal	\$306,000	\$306,000

Use of Money and Property

Interest Income General Fund	\$870,000	\$870,000
Interest Income Bonds	\$174,000	\$174,000
Sale of Equipment/Vehicles	\$21,000	\$21,000
Rental Of County Property	\$10,500	\$10,500
Rental Health Department	\$32,744	\$32,744
Rental Hospital Hill Property	<u>\$302,045</u>	<u>\$302,045</u>
Subtotal	\$1,410,289	\$1,410,289

Charges for Services

Excess Fees	\$120,000	\$120,000
Sheriff Fees	\$3,742	\$3,742
Police Reports	\$50	\$50
Confiscated Vehicle Storage Fees	\$50	\$50
Welfare and Social Services Fees	\$2,000	\$2,000

Law Library Fees	\$15,000	\$15,000
Local Cost	\$400	\$400
Commonwealth's Attorney Fees	\$1,400	\$1,400
Library Fees	\$46,000	\$46,000
Sale of Maps, Plats, etc.	\$100	\$100
Sale of Commissioner of the Revenue GIS Maps	\$1,000	\$1,000
Sales of Tax Maps	\$3,000	\$3,000
Sales of GIS Maps	\$16,500	\$16,500
Sales of Computer Lists and Files	<u>\$850</u>	<u>\$850</u>
Subtotal	\$210,092	\$210,092

Miscellaneous	\$24,400	\$24,400
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Recovered Costs

Other Government Charges	\$10,500	\$10,500
Jail Boarding - Other Governments	\$2,500	\$2,500
Work Release	\$60,000	\$60,000
Canteen Medical Reimbursement	\$2,500	\$2,500
Other Costs	\$3,004	\$3,004
Home Incarceration Fees	\$35,000	\$35,000
Warrenton E911 Reimbursement	\$10,910	\$10,910
Miscellaneous	<u>\$500</u>	<u>\$500</u>
Subtotal	\$124,914	\$124,914

Total Local Revenue	\$87,257,058	\$87,257,058
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STATE REVENUE

Non-Categorical Aid

ABC Profits	\$53,157	\$53,157
Wine & Spirits Tax	\$54,911	\$54,911
Rolling Stock Tax	\$78,745	\$78,745
Mobile Home Titling Tax	\$31,117	\$31,117
Rental Car Tax	<u>\$24,177</u>	<u>\$24,177</u>
Subtotal	\$242,107	\$242,107

Categorical Aid

Shared Expenses

Commonwealth's Attorney	\$323,181	\$323,181
Sheriff	\$2,776,936	\$2,776,936
Commissioner of the Revenue	\$180,234	\$180,234
Treasurer	\$162,750	\$162,750
Medical Examiner	\$500	\$500
Registrar	\$67,255	\$67,255
Clerk of the Court	\$382,530	\$382,530
Adult Confinement - Detention	<u>\$260,000</u>	<u>\$260,000</u>
Subtotal	\$4,153,386	\$4,153,386

Welfare

Social Services	\$685,164	\$685,164
Comprehensive Services Act	<u>\$972,631</u>	<u>\$972,631</u>
Subtotal	\$1,657,795	\$1,657,795

Other Categorical Aid

Recordation Tax	\$439,338	\$439,338
Library Aid	\$233,700	\$233,700
Commissioner of the Arts	\$5,000	\$5,000
Jury Duty Reimbursement	\$25,000	\$25,000
Adult Court Services - Pretrial	\$169,729	\$169,729
Comprehensive Community Corrections	\$183,839	\$183,839
VA Juvenile Community Crime Control	\$52,355	\$52,355
Miscellaneous	<u>\$29,735</u>	<u>\$29,735</u>
Subtotal	\$1,138,696	\$1,138,696

Total State Revenue	\$7,191,984	\$7,191,984
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FEDERAL REVENUE**Categorical Aid**

Welfare Administration	\$1,749,158	\$1,749,158
Public Safety	<u>\$98,544</u>	<u>\$98,544</u>
Subtotal	\$1,847,702	\$1,847,702

Total Federal Revenue	\$1,847,702	\$1,847,702
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Total General Fund	\$96,296,744	\$96,296,744
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Other Funds

Fire and Rescue Fund	\$3,853,853	\$3,853,853
Parks & Recreation	\$1,642,687	\$1,642,687
Warrenton-Fauquier Joint Comm. Fund	\$1,120,656	\$1,120,656
Environmental Services	\$5,087,760	\$5,087,760
School Operating Fund	\$86,836,374	\$86,836,374
School Cafeteria Fund	\$2,910,456	\$2,910,456
Airport Enterprise Fund	\$4,017,708	\$4,017,708
Capital Improvements Fund	\$18,082,542	\$18,082,542
Internal Services - Fleet Maintenance	<u>\$1,743,900</u>	<u>\$1,743,900</u>
Total Other Funds	\$125,295,936	\$125,295,936

TOTAL ALL FUNDS	\$221,592,680	\$221,592,680
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<i>Less Local Support</i>	<i>\$61,534,026</i>	<i>\$61,534,026</i>
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<i>Less Other Funds Internal Transfers*</i>	<i>\$3,619,330</i>	<i>\$3,619,330</i>
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TOTAL COUNTY REVENUES	\$156,439,324	\$156,439,324
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*School Division Transfer to the Capital Fund

A RESOLUTION AUTHORIZING ADVERTISEMENT OF A PUBLIC HEARING TO CONSIDER ADOPTION OF ALLOCATION OF THE \$10,000,000 PAUL MELLON ESTATE CONDITIONAL DISTRIBUTION TO FAUQUIER COUNTY

Mr. Graham moved to adopt the following. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION AUTHORIZING ADVERTISEMENT OF A PUBLIC HEARING TO CONSIDER ADOPTION OF ALLOCATION OF THE \$10,000,000 PAUL MELLON ESTATE CONDITIONAL DISTRIBUTION TO FAUQUIER COUNTY

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County and during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the Code of Virginia requires a public hearing when amendments to the budget exceed the lesser of \$500,000 or one percent (1%) of the total budget; and

WHEREAS, Fauquier County was given a \$10,000,000 distribution from the Paul Mellon Estate Trust Fund; and

WHEREAS, the \$10,000,000 was specified to complete a Northern Sports Complex; and

WHEREAS, Fauquier County wishes to allocate these funds in the Capital Improvements Program for the Northern Sports Complex; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That the County Administrator be, and is hereby, authorized to schedule a public hearing to receive citizens comments on the allocation of the \$10,000,000.

A RESOLUTION TO APPROVE \$600,000 FOR WARRENTON/TAYLOR MIDDLE SCHOOL CONSTRUCTION PROJECT DESIGN WORK

Mr. Winkelmann moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE \$600,000 FOR WARRENTON/TAYLOR MIDDLE SCHOOL CONSTRUCTION PROJECT DESIGN WORK

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County and during the course of the fiscal year, certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, in FY 2002, \$4.3 million was appropriated in the Capital Improvements Program (CIP) Fund for renovation and expansion of Warrenton and Taylor Middle Schools, with an additional \$4.2 million planned for appropriation in FY 2005, with the entire \$8.5 million scheduled to be borrowed in FY 2005; and

WHEREAS, the School Division has indicated a requirement for \$600,000 to support design and engineer work prior to the scheduled FY 2005 construction; and

WHEREAS, actual funding from the borrowing will not be available until FY 2005; however, the Board of Supervisors can authorize the use of unexpended CIP appropriations for the design and engineer work prior to the borrowing, with any expenses reimbursed from the bond proceeds; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That the School Division is authorized to expend up to \$600,000 for design and engineer work on the Middle School Renovation and Expansion Project prior to the scheduled borrowing in FY 2005; and, be it

RESOLVED FURTHER, That all design and engineer expenditures will be reimbursed from the project's bond proceeds scheduled to be available in FY 2005.

A RESOLUTION TO ESTABLISH A FAUQUIER COUNTY TOURISM ADVISORY COUNCIL, A FAUQUIER COUNTY TOURISM INITIATIVE AND A REVISED HISTORIC RESOURCES COMMITTEE

Mr. Winkelmann moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO ESTABLISH A FAUQUIER COUNTY TOURISM ADVISORY COUNCIL, A FAUQUIER COUNTY TOURISM INITIATIVE AND A REVISED HISTORIC RESOURCES COMMITTEE

WHEREAS, the Fauquier County Board of Supervisors has received recommendations from the Fauquier County Tourism Task Force; one being to create a Fauquier County Tourism Advisory Council and a Fauquier County Tourism Initiative, for the purpose of promoting and coordinating tourism in Fauquier County; and

WHEREAS, the Historic Resources Committee has achieved its purpose of developing a plan to preserve the historic resources of Fauquier County and can now be reconstituted and redirected to the preservation and promotion of our heritage and to the development of Heritage Tourism; and

WHEREAS, the Fauquier County Tourism Advisory Council would work in cooperation with community organizations, associations and individuals to enhance tourism and heritage development; and

WHEREAS, the work of a Fauquier County Tourism Advisory Council will be staffed by the Department of Economic Development; and

WHEREAS, the Board of Supervisors will appoint the membership of the Fauquier County Tourism Advisory Council; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That the Board of Supervisors supports the creation of a Fauquier County Tourism Advisory Council; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors supports the creation of a Fauquier County Tourism Initiative to be placed under the direction of the Economic Development Department; and, be it

RESOLVED FINALLY, That the Fauquier County Board of Supervisors supports the creation of a revised Historic Resources Committee for preservation and promotion of our historic resources, through development of a Fauquier County Heritage Tourism Initiative, and for the purpose of serving as an information resource to requisite County agencies, as needed.

A RESOLUTION TO APPROVE THE JAMISON'S FARM PRELIMINARY SUBDIVISION PLAT #PP00-S-23

Mr. Weeks moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE THE JAMISON'S FARM
PRELIMINARY SUBDIVISION PLAT #PP00-S-23

WHEREAS, on December 15, 2000, W.C.L. Jamison and Thelma H. Jamison, Trustees, filed a plan of subdivision for that certain 166.7 acres of property (the Property) located in Fauquier County, identified as PIN #6995-65-2468-000 and 6995-76-6411-000, which plan of subdivision is entitled "Preliminary Subdivision Jamison's Farm"; and

WHEREAS, on April 25, 2002, the Planning Commission denied the Jamison's Farm Subdivision Preliminary Plan based on the direct access to Route 29 and the proximity of the lots to Route 29 at the development entrance; and

WHEREAS, the Fauquier County Board of Supervisors believes that the preliminary plat meets the requirements of the Subdivision Ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That Fauquier County does hereby approve the preliminary subdivision plan for the Jamison's Farm Subdivision, subject to the following conditions:

1. The final construction plans and record plat shall be in substantial conformance with the preliminary subdivision plat prepared by Carson Harris entitled "Jamison's Farm" dated December 15, 2000, last revised April 9, 2002, and received in the Planning Office April 10, 2002. However, the plat may be modified to meet the conditions of this preliminary plat approval or subsequent special exception approvals. Final engineering and environmental analysis shall determine the final location of the SWM/BMP ponds, active recreation areas and trail alignment.
2. This approval is for a maximum of 103 single-family residential lots.
3. Access to Route 29 shall be as generally shown in alternative 2 or 3 as on Sheet 8 of 8 on the preliminary subdivision plat dated December 15, 2000, last revised April 9, 2002, and received in the Planning Office April 10, 2002. The Virginia Department of Transportation (VDOT) and the County shall make final determination on the Route 29 access prior to final construction plan approval.
4. The interparcel connection to the Lake Whippoorwill subdivision shall be substantially in conformance with the preliminary subdivision plat revised April 9, 2002, unless the Board of Supervisors amends that connection. If the access is amended, the final construction plans and final plat shall show that connection as amended by the Board of Supervisors. The developer shall bond and construct these required interparcel connection improvements to the common property line with Lake Whippoorwill, as determined during the final construction plan process. The applicant/developer shall post a sign that indicates that a future connection may be made at this location at the interparcel connection terminus at the Lake Whippoorwill/Jamison's Farm common property boundary, and the homeowners' association shall maintain and ensure its continuous posting until such a connection is made. The location, sign, materials and wording of said sign shall be determined by VDOT and the County prior to final construction plans approval for this section of the development.
5. Prior to issuance of the first occupancy permit, the applicants shall be required to contribute \$40,000 into a transportation escrow account for the signalization of the Baldwin Street/Route 29 intersection.

6. Prior to issuance of the first occupancy permit, the existing highway crossover locations along the applicants' frontage of Route 29 shall be removed at the applicant's expense as determined by VDOT at the time of final construction plan review.
7. The final construction plans and final plat for each phase of the subdivision shall show the floodplain limits as approved by the Federal Emergency Management Agency (FEMA) and the County Engineer.
8. In no instance shall more than 25% of any individual residential lot be covered with floodplain. The final subdivision plat may be modified to adjust lot lines to ensure that no more than 25% of any residential lot is located within the floodplain.
9. Prior to final plat approval for any phase of the development that involves floodplain disturbance, the applicant shall obtain a special exception to permit the proposed floodplain crossing as shown on the preliminary subdivision plat and meet all conditions of SE02-S-19. No fill shall be permitted in the floodplain per Zoning Ordinance Section 4-405, Permitted Uses, without special exception approval.
10. Prior to final construction plan approval for any phase of the development that involves floodplain disturbance of a permanent nature, the applicant shall obtain a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA). The applicant shall request a final Letter of Map Revision (LOMR) within 90 days of completing construction of the floodplain crossing. Bonding shall be required to cover the amount of the LOMR fee, the as-built plans and any other requirements as outlined in FEMA's CLOMR.
11. Prior to the issuance of any land disturbing permits for any sections of this development that impact wetlands or regulated waterways, the applicant shall submit written evidence indicating to the County Engineer that the U.S. Army Corps of Engineers and/or the Virginia Marine Resources Commission has approved any disturbance within wetland areas or other regulated waterways.
12. A minimum of 20% of the required open space shall be located outside of the floodplain, and a minimum of three (3) acres shall be so located and shall have dimensions and topography as to be open space usable for active recreation.
13. The applicant shall work with the Parks and Recreation Department to address the proposed facilities within the open space areas.
14. Prior to final record plat approval, the Parks and Recreation Department shall have the opportunity to review and comment on the homeowners' association documents as they relate to the recreational facilities.
15. The paved trail locations shall generally follow the alignment as shown on the preliminary plat prepared by Carson Harris entitled Jamison's Farm, dated December 15, 2000 last revised April 9, 2002, and received in the Planning Office April 10, 2002.
16. The applicant agrees to and shall grant Fauquier County an easement along the trail system to be constructed by the developer and maintained by the homeowners association and shown on the preliminary subdivision plat. Further, the developer shall grant Fauquier County an easement for a future trail connection to Baldwin Street (Route 673).

The developer and the Fauquier County Parks and Recreation Department shall determine the exact location of this future trail easement prior to approval of the final construction plans.

17. All Stormwater Management and BMP facilities shall meet the requirements of the Northern Virginia BMP Handbook and the Virginia Erosion and Sediment Control Law.
18. Prior to final plat and construction plan approval, the applicant shall submit a detailed landscape plat as required pursuant to Section 7-600 of the Zoning Ordinance.
19. All non-conventional sewage disposal systems shall have an operation, maintenance, and monitoring schedule established and approved by the Health Department and the County Soil Scientist prior to final construction plan approval. This operation, maintenance and monitoring schedule and contract shall be valid for the lifetime of the system.
20. A Virginia Certified Professional Soil Scientist (CPSS) shall adjust the Type I Soil Map soil lines onto the final plat. This shall be done in the field and checked for any additional soil information to be added to the final scale plat map.
21. A signature block shall be placed on this plat for the CPSS to sign which states:

Preliminary Soils Information Provided by the Fauquier County Soil Scientist Office via a Type I Soil Map (1"=400') Dated August 24, 2000.

This Virginia Certified Professional Soil Scientist has field reviewed and adjusted the preliminary soil information onto the final plat (1"=???) and certifies that this is the Best Available Soils Information to Date.

Va. Certified Professional Soil Scientist
DATE
CPSS #3401-_____

22. Interpretive information from the Type I soil report for each mapping unit shown on the above plat shall be placed on the same soil map. Also a Symbols Legend shall be placed on the plat map to identify spot symbols.
23. The following two statements shall be placed on the same plat map:
 - a. "The County recommends that no below grade basements be constructed on soil mapping units 16B, 10B, 110A, 415B, 416B and 416C due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer".
 - b. " The County recommends that before road or home construction begins in the soil mapping units 33C, 33D, 33E, 56D and 56E a site specific evaluation be conducted so that shallow to bedrock areas are identified. These areas may require blasting if deep cuts or excavation is done".
24. This plat shall be filed in the front office of Community Development and used exclusively for obtaining soils information for this proposed subdivision.

25. This map shall be submitted to the Soil Scientist Office before final plat approval is made.
26. All road design and construction shall be in accordance with VDOT's Subdivision Street Requirements manual and VDOT's Road and Bridge Standards.
27. Pedestrian trails are to be separated from vehicle lanes. Shoulder widening to accommodate trails is not recommended.
28. Road and other construction shall insure drainage water will not rise higher than 18" below the shoulder of proposed or existing public roads. At a minimum, culverts shall be designed to accommodate the following flood frequencies:

Secondary and Subdivisions Streets	10-year
U.S. Route 29	5-year

29. It is desirable for all parallel utilities to be placed outside the street's right-of-way. However, any parallel utility placement within the highway right-of-way must be placed on the outer 3 to 5 feet of the edge of the right-of-way. Manholes shall not be located in the travel-way of the street. Deviation from this condition requires prior approval by VDOT and will only be considered on a case-by-case basis.
30. Trees within street rights-of-way shall not be credited towards satisfying Fauquier County's tree canopy requirements.
31. Unpaved portions of street rights-of-way shall not be credited towards open space requirements.
32. If a single entrance on Route 29 is permitted, it shall be designed and constructed consisting of a right-in/right-out configuration. The following conditions shall apply to the Route 29 site entrance:
 - a. The entrance shall be located where desired sight distance can be achieved in both the Northbound and Southbound direction of Route 29.
 - b. A deceleration lane at the entrance location shall be the developer's responsibility with lengths determined prior to final construction plan approval. This shall be in addition to lane extensions associated with Route 673 (Baldwin Street) access.
 - c. Additional right-of-way in the vicinity of the entrance shall be dedicated for the purpose of entrance construction.
 - d. The entrance shall not be constructed prior to the issuance of the fiftieth (50th) occupancy permit.
33. Turn lanes at the nearest median breaks may need to be improved to accommodate u-turn traffic movements. The exact scope of this work shall be determined during the final construction plan review and the design and construction of these improvements shall be the applicant's/developer's responsibility.

34. The applicant shall design and construct turn lane improvements at the Baldwin Street (Route 673) intersection, as required by VDOT.
35. A fifty-foot (50') strip between the proposed Route 29 right-of-way dedication, which totals twenty-five feet (25'), and any rear lot line of lots 98 – 103, shall be indicated during the final construction plan design. The lot and road configuration in this section of the development may be modified to accommodate the inclusion of this fifty-foot (50') strip. This area shall remain in its natural state or be cleared for the first fifteen feet (15') from the Route 29 right-of-way dedication. Within the fifteen feet (15') immediately adjacent to the rear of lots 98-103, the developer shall construct a landscaped berm. This landscaped berm shall be in addition to the landscaping/tree canopy required by Article 7 of the Zoning Ordinance, Tree Canopy, Landscape and Buffering Requirement. The details of the landscaping for the berm shall be approved by the County as part of the final construction plan approval and will include a mix of evergreen, deciduous, and understory flowering trees as well as a mix of shrub material. No permanent structures, including stormwater management facilities, shall be permitted within the first fifteen feet (15') of this fifty-foot (50') strip. The developer may locate a subdivision sign as part of a landscape feature, as permitted by the Zoning Ordinance, beyond the first fifteen feet (15').

A RESOLUTION PROPOSING THE REVISION OF SECTION 3-2(A) OF THE FAUQUIER COUNTY SUBDIVISION ORDINANCE

Mr. Atherton moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION PROPOSING THE REVISION OF SECTION 3-2(A) OF THE FAUQUIER COUNTY SUBDIVISION ORDINANCE

WHEREAS, the Board of Supervisors is concerned with the increasing and cumulative impacts of rural subdivisions on private streets and easements; and

WHEREAS, Fauquier County is reviewing the need for additional stormwater and public street standards; and

WHEREAS, the adopted Comprehensive Plan's Chapter 8 of the Rural Areas Land Use Plan has specific objectives for refining the Subdivision Ordinance in a manner that protects water resources and forested areas, significant archeological/historic sites and areas, areas of natural scenic vistas, and limiting impacts on the rural road network; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That the following draft change to the Subdivision Ordinance be forwarded to the Planning Commission for its public hearing and recommendation:

3-2 Administrative Subdivisions.

- A) The agent may approve subdivisions of up to ~~three (3)~~ one (1) lots, plus a residue, provided that:
1. No bonding is required.
 2. The ~~three~~ two lots are cumulative for each parcel of record as of May 9, 1968.
 3. All necessary requirements of this Ordinance and other County Ordinances are met.
 4. The lot drainfield certification plat is approved by the Fauquier County Health Department.
 5. The highway entrance is approved by the Virginia Department of Transportation.
 6. The right-of-way for Type III private streets providing access and frontage to administrative subdivision lots shall not exceed 1,000 feet in length, exclusive of the turnaround. The Agent may modify this limitation to allow a right-of-way length of up to 5,000 feet upon the submission of a formal modification application containing sufficient justification to allow the Agent to find that the proposed modification is warranted based upon a determination by the Agent that: 1) properties through which the right-of-way will pass will not be unreasonably affected; 2) no alternative for providing access is realistically feasible, and 3) without the modification, the 1,000 foot limitation places an unreasonable restriction on the use of the property. (Amended by the Board of Supervisors on September 19, 1996.)

A RESOLUTION REFERRING TO THE PLANNING COMMISSION A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 6-102 TO ALLOW LIMITED FUNDRAISING AS A PERMITTED ACCESSORY USE IN THE RURAL AGRICULTURE AND RURAL CONSERVATION DISTRICTS

Mr. Atherton moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION REFERRING TO THE PLANNING COMMISSION A ZONING
ORDINANCE TEXT AMENDMENT TO SECTION 6-102 TO ALLOW LIMITED
FUNDRAISING AS A PERMITTED ACCESSORY USE IN THE RURAL AGRICULTURE
AND RURAL CONSERVATION DISTRICT

WHEREAS, residents of properties located in the Rural Agriculture and Rural Conservation zoning districts have requested the ability to hold limited fundraising activities at their residences; and

WHEREAS, such limited fundraising activities could be allowed by amending the Fauquier County Zoning Ordinance to make these events permitted accessory uses; and

WHEREAS, the Fauquier County Board of Supervisors has determined that such an amendment would be in keeping with the intent of the Zoning Ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That the proposed ordinance amending Section 6-102 by adding number 29 to allow limited fundraising as a permitted accessory use in Rural Agriculture and Rural Conservation zoning districts be, and is hereby, referred to the Fauquier County Planning Commission for appropriate consideration and action.

A RESOLUTION AUTHORIZING THE CHAIRMAN TO ENTER INTO AN OPEN SPACE COMMITMENT WITH LANDOWNERS

Mr. Graham moved to adopt the following resolution authorizing the Chairman to enter into an open space commitment with landowners. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION AUTHORIZING THE CHAIRMAN TO ENTER
INTO AN OPEN SPACE COMMITMENT WITH LANDOWNERS

WHEREAS, Fauquier County has established a special land assessment program for the preservation of real estate devoted to open space pursuant to Section 58.1-3233 of the Code of Virginia, 1950, as amended; and

WHEREAS, a landowner may qualify for the special land assessment program for the preservation of open space upon the execution and recordation of a written open space use commitment between the landowner and the Board of Supervisors; and

WHEREAS, to qualify for the special land assessment program for the preservation of open space, the real estate to be entered into the program must meet the general and specific standards promulgated by the Director of the Department of Conservation and Historic Resources as set forth in the Manual of the State Land Evaluation Advisory Council (1992); and

WHEREAS, the hereinafter identified landowners have requested that the Board of Supervisors enter into an Open Space Use Agreement for the preservation of certain land owned by them for the purposes of qualifying for the special land assessment program under the open space category; and

WHEREAS, the Board of Supervisors, by adoption of this resolution, has determined that the hereinafter described land meets the general and specific standards as promulgated by the Director of the Department of Conservation and Historic Resources for entering into an Open Space Use Agreement committing the landowner not to change the use of the land to a non-qualifying use for a time period of eight years; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May, 2002, That the Chairman be, and is hereby, authorized to execute, on behalf of the Board of Supervisors, an Open Space Use Agreement with the hereinafter identified landowners:

<u>NAME</u>	<u>IDENTIFICATION</u>	<u>ACREAGE</u>
RENEWAL Schwartz, Peter B. Moser, Anna M.	6042-09-3152-000 PO Box 159 Delaplane, VA 20144	51.25
RENEWAL Hansen, Curtis R. Hansen, Shelia A.	6042-18-8092-000 PO Box 157 Delaplane, VA 20144	72.25
NEW Duszka, Darrell E. Duszka, Joan H.	6022-55-7978-000 2527 Leeds Manor Rd. Markham, VA 22643	38.972
NEW Lysy, Frank J., Trustee Lysy, Edith L., Trustee Revocable Trust	6042-37-9273-000 6042-38-6099-000 PO Box 199 Delaplane, VA 20144	25.0 26.3
NEW Hoptiak, Mark Askey, Patricia A.	6022-57-4199-000 11657 Apple Manor Rd. Markham, VA 22643	26.2959
NEW Miqdadi, Khaled C/o Norman F. Hammer, Jr. & Assoc.	6938-47-2621-000 447 Carlisle Dr. Herndon, VA 20170	73.473

; and, be it

RESOLVED FURTHER, That upon execution and recordation of the agreement, the described real estate shall be eligible for classification as Open Space under the Fauquier County Special Land Assessment Program.

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR AND THE COUNTY ATTORNEY TO EXECUTE ALL DOCUMENTS NECESSARY TO ACQUIRE 128.8918 ACRES OF LAND OWNED BY J. PAUL WAMPLER, BRIDGEWATER COLLEGE, PRISCILLA W. WAMPLER, AND MABEL LOU WEISS BY PURCHASE OR CONDEMNATION UPON THE TERMS AND CONDITIONS AS SET FORTH IN THIS RESOLUTION

Ms. McCamy moved to table indefinitely a decision on a resolution authorizing the County Administrator and the County Attorney to execute all documents necessary to acquire 128.8918 acres of land owned by J. Paul Wampler, Bridgewater College, Priscilla W. Wampler, and Mabel Lou Weiss by purchase or condemnation. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

A RESOLUTION TO APPROVE SPECIAL EXCEPTION #01-S-14, 01-S-15, AND 01-S-16, BROOKSIDE DEVELOPMENT LLC AND BROOKSIDE COMMUNITIES LLC, APPLICANTS; and A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN #CPA00-S-05, NEW BALTIMORE SERVICE DISTRICT, BROOKSIDE DEVELOPMENT LLC AND BROOKSIDE COMMUNITIES LLC, APPLICANTS; and A RESOLUTION TO APPROVE PRELIMINARY PLAT #PP01-S-08, BROOKSIDE, A PLANNED COMMUNITY

Mr. Weeks moved to postpone until the end of the public hearings a decision on a resolution to approve special exception #SE01-S-14 (Open Space Waiver), #SE01-S-15 (Flood Plain Crossing), and SE#01-S-16 (Utility Structures), Brookside Development LLC and Brookside Communities LLC, applicants; and, a resolution to amend the Comprehensive Plan #CPA00-S-05, New Baltimore Service District, Brookside Development LLC and Brookside Communities LLC, applicants; and, a resolution to approve preliminary plat #PP01-S-08, Brookside, a planned community. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

APPOINTMENTS

By unanimous consent, the following appointments were approved:

- Airport Committee, Rick Gerhardt, Cedar Run District Representative, for a term to end December 31, 2003.
- Transportation Committee, John Pulsinelli, Scott District Representative, for a term to end December 31, 2003.

SUPERVISORS' TIME

- Ms. McCamy announced that on June 3, 2002, at 7:00 p.m., there would be a joint meeting between the Board of Supervisors and the School Board, and she invited the public to attend.
- Mr. Weeks recognized Mr. Lee Bell, Principal of Ritchie Elementary, who was in the audience, and expressed thanks to Mr. Bell for hosting the Board meeting that evening.
- Mr. Winkelmann recognized George Watkins as being recently elected to the Warrenton Town Council, and welcomed Mr. Watkins to the meeting. Mr. Winkelmann then announced that he had received disturbing news and wanted to alert Board members and citizens that the Virginia Association of Counties Finance Committee had proposed as

much as a 15% state property tax increase, which would potentially yield \$1.9 billion annually, and he further stated it was unlikely that the schools would receive any of those funds.

- Mr. Graham extended thanks to the Extension Office and the 4-H members for providing dinner to the Board members that evening. Mr. Graham also expressed accolades to Peter Mitchell, of the Agriculture Development office, for his efforts in successfully planning the Fauquier Farm Festival.

ANNOUNCEMENTS

Mr. Lee had no announcements.

PROFFER REVISION #PR01-S-02 – BROOKSIDE COMMUNITIES, LLC, AND BROOKSIDE DEVELOPMENT, LLC, OWNER/APPLICANT

A public hearing was held to consider an Ordinance to approve the revised Brookside Farm PRD proffer statement and modifications to the zoning ordinance, #PR01-S-02 for Brookside Communities, LLC, and Brookside Development, LLC, owner/applicant, PIN #7905-93-5747; PIN #7915-06-7362; PIN #7915-16-2290; PIN #7915-35-2459; and PIN #7915-34-4195, Scott Magisterial District. Rick Carr, Community Development, provided an update of the applicant's revised proffers. Merle Fallon, representing the applicant, spoke in favor of the proffer revision, stating he would be available for questions, and requested the Board's approval of the application. No one else spoke. The public hearing was closed. Mr. Weeks moved to adopt the following Ordinance relating to proffer revision #PR02-S-02 for Brookside Communities, LLC, and Brookside Development, LLC, owner/applicant; Mr. Weeks further moved to adopt the following resolution to approve special exception #01-S-14, 01-S-15, and 01-S-16, Brookside Development, LLC, and Brookside Communities, LLC, applicants; Mr. Weeks further moved to adopt the following resolution to amend the Comprehensive Plan #CPA00-S-05, New Baltimore Service District, Brookside Development, LLC, and Brookside Communities, LLC, applicants; and Mr. Weeks further moved to adopt the following resolution to approve preliminary plat #PP01-S-08, Brookside, a planned community. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE TO APPROVE THE REVISED BROOKSIDE FARM PRD PROFFER STATEMENT AND MODIFICATIONS TO THE ZONING ORDINANCE #PR 01-S-02 FAUQUIER LAKES LIMITED PARTNERSHIP, LP, AND FAUQUIER LAND COMPANY, GP

WHEREAS, Fauquier Lakes Limited Partnership, the owner and applicant in the original Waterfield application, has initiated a request to amend the Proffer Statement (Revision Date: May 9, 2002) and associated materials for the parcels zoned Planned Residential Development

District (PIN #7905-93-5747; PIN #7915-06-7362; PIN #7915-16-2290; PIN #7915-35-2459; and PIN #7915-34-4195); and

WHEREAS, the revised Proffer Statement, Concept Development Plan and associated graphics, and modifications establish the uses and densities for the Brookside Farm property; and

WHEREAS, the Proffer Statement included the applicant and adjacent property owners who are identified therein who have consented and agreed to the road dedication and phasing schedules set forth in the Brookside Farm PRD Revised Proffers and to publicly dedicate or donate, without cost to the County or VDOT, any and all lands located on their properties necessary for roads in the “Entire Project” as shown on the Concept Development Plan; and

WHEREAS, the “Entire Project” for specific project elements is defined to include Brookside Farm and the “Adjacent Owners”; and

WHEREAS, the proposed Proffer Revision is in conformance with the Fauquier County Comprehensive Plan; and

WHEREAS, on September 27, 2001, the Fauquier County Planning Commission held a public hearing on the Proffer Amendment request; and

WHEREAS, at its meeting on December 20, 2001, the Fauquier County Planning Commission approved a motion recommending denial of the requested application due to outstanding issues focused primarily on transportation and a variety of design and modification related issues; and

WHEREAS, the Board of Supervisors held public hearings on this request on March 18, April 15 and May 20, 2002; and

WHEREAS, the applicant has significantly revised the Proffer Statement to include: the construction of or provision of cash contributions essential for completion of identified on and off-site road improvements needed to resolve transportation impacts associated with the “Entire Project”; assured completion of the Brookside Parkway connection to the Vint Hill Parkway traffic circle; provision of a dedicated Middle School site, public trail system, essential contributions to the Fauquier County WSA for extension of public sewer service, and other associated park and public improvements; and

WHEREAS, by the adoption of this Ordinance, the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by this Proffer amendment to the affected PRD zoned parcels; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 20th day of May 2002, That Proffer Amendment Request #PR 01-S-02 for Brookside Farm be, and is hereby, approved subject to the applicant’s Proffer Statement and the associated attachments and agreements, Concept Development Plan (prepared by The Engineering Group; 8 Sheets) both with revision dates of May 9, 2002, as well as the Modifications Request (Revision Date: May 9, 2002); and, be it

ORDAINED FURTHER, That the Chairman be, and is hereby, authorized to sign the executed Agreement made between the Vint Hill Farms Economic Development Authority,

Fauquier Lakes Limited Partnership, and Brookside Communities, LLC, regarding the Brookside School site, completion of the Parkway extension and other associated matters.

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTIONS #SE01-S-14, SE#01-S-15 AND SE#01-S-16, BROOKSIDE DEVELOPMENT, LLC, AND BROOKSIDE COMMUNITIES, LLC, APPLICANTS

WHEREAS, Brookside Communities LLC and Brookside Development LLC, applicants, have filed an application for special exception approvals to allow for floodplain crossing and uses, an open space reduction in the R-1 cluster and public utilities uses; and

WHEREAS, the Planning Commission held a public hearing on this application on September 25, 2002, and forwarded the application to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has considered the written and orally presented information of the applicants and conducted a public hearing for this application on April 15, 2002; and

WHEREAS, the Board of Supervisors has determined that the applications are in substantial conformance with the Comprehensive Plan and the applicable provisions of the Zoning Ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That the special exception applications of Brookside Communities LLC and Brookside Development LLC be, and are hereby, approved, subject to the following conditions set forth in this resolution.

PROPOSED DEVELOPMENT CONDITIONS SE#01-S-14. (OPEN SPACE REDUCTION) MAY 9, 2002

If it is the intent of the Fauquier County Board of Supervisors to approve SE#01-S-14 for an open space reduction, the staff recommends conformance with the following development conditions:

1. This special exception is granted for and runs with the land indicated in this application and is not transferable to other land, except that parcels included in CPA#00-S-05 as set forth therein may be used to provide the open space for Brookside as set forth in #5 below.
2. This special exception is granted only for the purpose(s), structure(s) and/or uses indicated on the special exception plat dated May 9, 2002, as approved with this application, as qualified by these conditions.
3. In ensuring that the open space approved with this application is provided, a density of no more than 1 dwelling unit per gross acre shall be permitted in all phases of the Brookside/Brookside Farm development, including previously approved phases of Brookside.

4. Open space shall be provided in locations as generally depicted on the special exception plat approved with this application.
5. The Adjacent Owners (as defined in Attachment C of the Brookside Farm PRD Revised Rezoning Proffers, dated April 1, 2002) shall provide open space on subject properties in the R-1 zoning district as set forth in Article 2, Part 309 of the Fauquier County Zoning Ordinance, with the following provisions:
 - a. The minimum required open space for parcels zoned R-1 utilizing cluster provisions of the Ordinance shall be reduced from 50% to 30% of the gross land area in that zone.
 - b. For each phase of the R-1 zone, a tabulation of the total open space for that particular phase and a cumulative tabulation for all previous phases in the R-1 cluster zone shall be shown on the final record plat for each phase. The resulting total open space in the R-1 zone at the completion of the entire project shall not be less than 30% of the gross land area in that zone.
 - c. The approximate 40-acre public school site and 7-acre library designated site shall be calculated as qualifying open space. If not used for those specified uses, the areas shall remain in open space.
6. The applicant agrees that as part of the justification for reducing the open space in Brookside, the residents of Brookside shall have full access to the open space areas and associated facilities (trails, parks, active recreation areas, etc.) of Brookside Farm PRD as an integrated community.

PROPOSED DEVELOPMENT CONDITIONS
SE#01-S-15 (FLOODPLAIN CROSSINGS)
MAY 9, 2002

If it is the intent of the Fauquier County Board of Supervisors to approve of SE#01-S-15 for floodplain uses pursuant to Sect. 5-2300 of the Fauquier County Zoning Ordinance, the staff recommends conformance with the following development conditions:

1. The special exception is granted for and runs with the land indicated in this application and is not transferable to other land, except that parcels included in CPA#00-S-05 as set forth therein may be used to provide a location for the floodplain uses, subject to the conditions set forth herein.
2. This special exception is granted only for the purpose(s), structure(s) and/or uses indicated on special exception plat dated May 9, 2002, as approved with the application, as qualified by these development conditions.
3. There shall be no significant increase in flood levels or velocity of floodwaters offsite as a result of this floodplain crossing, as determined to the satisfaction of the County Engineer prior to construction plan approval for any phase of development that includes one of the crossings.
4. Prior to construction plan approval for any phase of the development that includes a crossing, the applicant shall obtain a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA). The applicant shall request a final Letter of Map Revision (LOMR) within 90 days of completing construction of the floodplain crossing.

Bonding will be required to cover the amount of the LOMR fee, the as-built plans and any other requirements as outlined in FEMA's CLOMR.

5. The floodplain study submitted to FEMA for the parkway crossing shall be sized for a four-lane divided highway. Both crossing shall be sized to include any planned recreational trail construction.
6. The Final Plat for each phase of the subdivision including a floodplain crossing shall show the revised floodplain limits. In no instance shall more than 25% of any individual residential lot be covered with floodplain.
7. The floodplain crossing design shall be submitted to the County for approval as part of the final construction plans for any phase of the subdivision that requires such crossing, using acceptable engineering design.
8. Any land disturbed within the floodplain shall be stabilized with either temporary or permanent seed in accordance with Virginia Erosion and Sediment Control Regulations.
9. Prior to the issuance of any additional land disturbing permits for a phase of project that includes a floodplain crossing, the applicant shall submit written evidence indicating to the County Engineer that the US Army Corps of Engineers has approved any disturbance within wetland area.
10. The exact location of the floodplain crossings shall be determined with the final construction plans for any phase of the subdivision that includes a floodplain crossing, and may be installed at a different location provided that the relocated crossings do not cause an increase in off-site floodplain elevations.

PROPOSED DEVELOPMENT CONDITIONS
SE#01-S-16. (PUBLIC UTILITIES)
REVISED MAY 9, 2002

If it is the intent of the Fauquier County Board of Supervisors to approve SE#01-S-16 for public utilities uses pursuant to Sect. 5-2000 of the Fauquier County Zoning Ordinance, the staff recommends that the Board of Supervisors' approval be subject to the following development conditions:

1. The special exception is granted for and runs with the land indicated in this application and is not transferable to other land, except that parcels included in CPA#00-S-05 as set forth in condition #4 below are included in this condition. The exact location of facilities will be determined during final engineering for the project.
2. This special exception is granted only for the purpose(s), structure(s) and/or uses indicated on special exception plat dated May 9, 2002, and approved with the application, as qualified by these development conditions.
3. This special exception is subject to the provisions of Article 12 of the Fauquier County Zoning Ordinance, Site Plans, as may be determined by the Fauquier County Department of Community Development.

4. Special Exception approval of the sewer pump stations is contingent upon approval of CPA#00-S-05. Board of Supervisors denial of CP #00-S-05 shall render void the sewer pump station component of this special exception request.
5. No public utility structure, excepting fences, shall be located closer than 50 feet to any adjacent property that is not a part of the Brookside / Brookside Farms development.
6. All public utility structures shall be adequately screened to minimize visual and sound impacts on adjacent properties. A landscaping and screening plan shall be included as part of any site plan submitted to the County. Any public utility structure shall be designed and constructed of building materials and architectural elements that are similar to the residential dwellings in the immediate area.
7. Access to any public utility site shall be controlled to prevent public access.
8. All lighting shall be back-shielded and downward directed so as not to impact any adjacent properties.
9. Land disturbing in association with utility work necessary for site preparation of the middle school site shall be permitted between the Vint Hill sewer plant and the school site in advance of site plan approval, provided that land disturbing permits are obtained and erosion and sediment plan is approved by the John Marshall Soil and Water Conservation District.
10. In the event that the Middle School or other site must be served by a sewer pump station, and said pump station is not operational at the time of any inflow, the Applicant may pump and haul at its expense, subject to applicable Health Department regulations and permits, until such time as the pump station becomes operational. The County Administrator shall be authorized to sign the temporary pump and haul application on behalf of the County Board of Supervisors indicating the Board of Supervisors' concurrence of temporary measure.
11. A public facilities plan for utilities and roads may be submitted to the County under the terms and conditions for which final construction plans and a final plat for various sections of the development are submitted. This will allow for infrastructure for the Entire Project to be planned and constructed concurrent with the early phases of the residential platting of the project.

RESOLUTION

A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN #CPA00-S-05, NEW
BALTIMORE SERVICE DISTRICT BROOKSIDE DEVELOPMENT LLC AND
BROOKSIDE COMMUNITIES LLC

WHEREAS, the applicant has filed a comprehensive plan amendment to designate certain properties as AB-1 sewerred areas within the New Baltimore Service District; and

WHEREAS, the Planning Commission held a public hearing on this application on September 25, 2001, and has forwarded its recommendation to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has considered the written and orally presented information about the proposal and conducted a public hearing for this application on April 15, 2002; and

WHEREAS, the Board of Supervisors has determined that the proposal would advance County goals of the Comprehensive Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That the application to include the following properties, referenced below by parcel identification number as of January 1, 2002, in the AB-1 sewerred area of the New Baltimore Service District be, and is hereby, approved:

PIN #7905-75-6107-000; #7905-63-8907-000; #7905-82-5007-000; #7905-54-1314-000; #7905-53-4817-000; #7915-22-4253-000; #7915-22-0001-000; #7915-11-7109-000; #7915-20-4957-000; #7915-20-3117-000; #7914-29-7852-000; and #7914-39-3654-000; #7915-20-9660-000 and #7915-31-0883-000, and to any parcels that descend from these parcel identification numbers; and, be it

RESOLVED FURTHER, That this resolution shall not be effective for and applicable to that area known as Brookside Phases 1 and 2, or the area encompassing the 50-lot portion of preliminary plat, dated January 3, 2002, and denied by the Board of Supervisors on January 22, 2002, until such time as public sanitary sewer line is within three hundred feet of the platted property.

RESOLUTION

A RESOLUTION TO APPROVE PRELIMINARY PLAT #PP01-S-08 BROOKSIDE, A PLANNED COMMUNITY

WHEREAS, Brookside Communities, LLC, Brookside Development, LLC, and R.G. Holdings, LP, owners and applicants have submitted a preliminary subdivision for Brookside Farm for 931 single-family lots on Parcel Identification Numbers #7905-93-5747-000, #7915-16-2290-000, #7915-06-7362-000, #7915-34-4195-000, #7915-35-2459-000, #7915-22-4253, #7915-22-0001, #7915-11-7109, #7915-20-3117, #7905-63-8907, #7905-82-5007, #7915-29-7852, #7914-39-3654, #7905-53-4817, #7905-54-1314 and #7915-20-4957; and

WHEREAS, the Fauquier County Planning Commission voted to deny Preliminary Plat #PP01-S-08 – Brookside; and

WHEREAS, the applicant has revised the preliminary plat to resolve Planning Commission and other identified plan shortcomings; and

WHEREAS, the Fauquier County Board of Supervisors held a public meeting and considered the revised and referenced preliminary subdivision; and

WHEREAS, at its meeting on May 20, 2002, the Fauquier County Board of Supervisors approved the companion Comprehensive Plan Amendment, Proffer Statement, Modifications, and Concept Development Amendments and Special Exception applications; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That the Board does approve Preliminary Plat #PP01-S-08 – Brookside a Planned Community, subject to the following conditions:

1. The final construction plans and record plat shall be in substantial conformance with the preliminary subdivision plat prepared by The Engineering Groupe, Inc. entitled "Brookside a Planned Community " dated December 15, 2000, last revised January 30, 2002. However, the plat may be modified to meet the conditions of this preliminary plat approval or subsequent special exception approvals. Final engineering and environmental analysis shall determine the final location of the SWM/BMP ponds, active recreation areas and internal trail alignment.
2. A complete set of the approved proffers and any special exception conditions shall be included with the final subdivision plan.
3. Land bay and lot configurations shall be in substantial conformance with the approved Concept Development Plan dated May 9, 2002, as determined by the Director of Community Development, unless final engineering reveals environment constraints, which prevent such conformance.
4. The residential and non-residential lots must comply with all Zoning and Subdivision Ordinance requirements unless specifically amended with the approved CDP, proffers, and requested zoning modifications. These requirements include, but are not limited, to lot size, setbacks, lot widths, cul-de-sac lengths, use of pipestem lots, intersection locations, driveway locations, roadway classifications, right-of-way widths, lot configurations, tree preservation, tree canopy and landscaping, architectural design standards, and open space.
5. Pump station(s), electric substation(s)/switch(es), and gas distribution infrastructure facilities shall be in conformance with Special Exception #SE01-S-16.
6. Final lot sizes shall not be less than the Land Bay minimum lot size identified within the approved proffers and CDP for Brookside Farm.
7. The minimum required open space for the Brookside section of the development shall be provided pursuant to the special exception conditions associated with SE#01-S-14.
8. The applicant shall provide the County any subsequent revisions to its final Individual Permit Wetland Report. Those revisions shall indicate any official wetland determination made by the U.S. Army Corps of Engineers (USACOE) and recommended mitigation actions, which the applicant needs to accomplish resulting from site construction. Prior to issuance of any land-disturbing permit for any phase, the applicant shall demonstrate to the Department of Community Development that all federal wetland requirements, if any, have been completed to the satisfaction of the U.S. Army Corps of Engineers (USACOE).

9. Lake Ashby, Henry's Pond and Lake Ann shall be inspected and verified for soundness and stability by a professional qualified to perform dam safety inspections. If needed, the requisite engineering repairs shall be completed, and approved by the Department of Community Development, as proffered or prior to issuance of any occupancy permit for the first phase of any section of the development that adjoins or is contiguous to the lakes or pond. If these ponds are to be utilized as SWM and BMP facilities for this project, as-builts of the entire structures shall be provided prior to final plat approval for lots down stream of the principal and/or emergency spillway to include accurate stage/storage information, existing outlet locations, sizes and inverts, spillway dimensions and any other information necessary to verify pond functions.
10. The final construction plans and final plat for each phase of the subdivision shall show the floodplain or modified floodplain limits as defined in the Subdivision Ordinance and as reviewed and approved by the Federal Emergency Management Agency (FEMA) and the County Engineer.
11. Floodplain crossings shall be in conformance with the conditions of Special Exception #SE01-S-15.
12. The final subdivision plat may be modified to adjust lot lines to ensure that no more than 25% of any residential lot is located within the floodplain. Restrictions must be placed on lots that have floodplain in order to meet provision of Section 2-412 of the Zoning Ordinance.
13. All Stormwater Management and BMP facilities shall meet the requirements of the Northern Virginia BMP Handbook and the Virginia Erosion and Sediment Control Regulations (VESCR).
14. The estimated one hundred year water surface elevation of Lake Ashby, Lake Ann and Henry's Pond shall be provided prior to final construction plan approval for any section of the development that is adjacent or contiguous to these features.
15. Consent of the gas company must be obtained prior to the location of any facilities, structures, or lots within the easement/right-of-way.
16. All drainage easements shall extend to the property limits. In the event that storm drainage runs across individual lots, additional easements shall be recorded to ensure that existing or newly established drainage patterns are preserved. Any such patterns shall be analyzed for adequacy to convey stormwater in conformance with Minimum Standard 19 of the VESCR.
17. All road design and construction shall be in accordance with the Virginia Department of Transportation (VDOT) standards and specifications; however, if there is a conflict between the VDOT and County right-of-way width requirement the greater dedication shall be required, unless modified by the Director of the Department of Community Development and no right-of-way less than fifty feet shall be allowed.
18. Road and other construction shall insure drainage water will not rise higher than eighteen inches below the shoulder of proposed or existing public roads. At a minimum, culverts shall be designed to accommodate the following flood frequencies:

Secondary and Subdivisions Streets:	10-year
Primary and Parkways:	25-year

19. It is desirable for all parallel utilities to be placed outside the street's right-of-way. However, any parallel utility placement within the highway right-of-way must be placed on the outer three to five feet of the edge of the right-of-way. Manholes shall not be located in the travel-way of the street. Deviation from this condition requires prior approval by VDOT and will only be considered on a case-by-case basis.
20. Unpaved portions of street rights-of-way shall not be credited towards open space requirements.
21. Design and permitting within wetlands and floodplain shall accommodate the ultimate four lane road sections for Parkway and/or Major Collector crossings of the floodplain. In areas of stream crossings and in environmentally sensitive areas along the four-lane road section of the Parkway, the applicant shall include these areas in the project Wetland Permit and mitigate accordingly and provide sufficient documentation of these actions to VDOT.
22. Final street name identifications shall be in conformance with the provisions of the Fauquier County Code.
23. The street connections from the surrounding development to the Commercial/Recreation area shall be similar to those connections shown on the Brookside Farms Illustrative Plan prepared by The Engineering Groupe, Inc., dated November 5, 2001, and received in the Department of Community Development November 5, 2001.
24. The applicant shall design and construct a minimum of two travel lanes and associated turn lanes for the Parkway. However, on-site future commercial and/or recreation projects, if warranted, may require traffic impact analysis, and additional transportation improvements directly related to these projects may be required, as part of site plan approval.
25. The applicant shall design and construct intersectional improvements to the Route 602 (Rogues Road) entrance to the development including turn lanes, as requested by VDOT and/or the County.
26. A minimum of 20% of the required open space shall be located outside of the floodplain, and a minimum of three acres shall be so located and shall have dimensions and topography as to be open space usable for active recreation.
27. The applicant shall construct a perimeter asphalt trail, a maximum of ten feet wide as required by the Fauquier County Department of Parks and Recreation and dedicate it to the County, subject to the approved Proffer Statement and Parks and Recreation specifications. That trail location shall generally follow the alignment as shown in the Concept Development Plan package regarding the public trail system (entitled "Recreational Trail Plan"; prepared by The Engineering Groupe; dated May 9, 2002). That trail must be reflected in the construction plans and final plat.

28. The applicant agrees to and shall dedicate to Fauquier County a perimeter trail system to be constructed by the developer as shown on the Concept Development Plan sheet 6, dated May 9, 2002. The developer and the Fauquier County Parks and Recreation Department shall determine the exact location of this future trail easement prior to approval of the final construction plans.
29. The applicant shall provide, where possible, a system of internal sidewalks and/or trails to connect the development to schools, parks and recreation facilities, open space areas and commercial facilities.
30. The final soil map shall have a Virginia Certified Professional Soil Scientist (CPSS) adjust the Type I Soil Map soil lines onto the final soils plan. This shall be done in the field and checked for any additional soil information to be added to the final scale plat map.
31. A signature block shall be placed on this plat for the CPSS to sign which states:

Preliminary Soils Information Provided by the Fauquier County Soil Scientist Office via a Type I Soil Map (1"=400') Dated_____.	
This Virginia Certified Professional Soil Scientist has field reviewed and adjusted the preliminary soil information onto the final plat (1"=???) and certifies that this is the Best Available Soils Information to Date for Lots 1-??.	
Va. Certified Professional Soil Scientist CPSS #3401-_____	DATE

32. Interpretive information from the Type I Soil Map for each mapping unit shown on the above plan shall be placed on the same soil map. Also, a Spot Symbols Legend shall be placed on the plan map to identify spot symbols.
33. The following statements shall be placed on the same plan map:
 - a. "The County recommends that no below grade basements be constructed on soil mapping units 10A, 14A&B, 15A&B, 16B, 17B, 62A&B, 63A&B, 67B, 69A, 70A&B, 74A&B, 78A, 79A, 110A, 163B, 170A&B, 200, 300, 415B, 416B&C, 417B, 475C, 481B, and 482B due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer".
 - b. "The County recommends that before road or home construction begins in the soil mapping units 60B, 62A&B, 64B&C, 73B&C, 77B&C, 164B, and 264B a site specific evaluation be conducted so that shallow to bedrock area are identified. These areas may require blasting if deep cuts or excavation is done".
 - c. "Structures placed on mapping units 63A&B, 67B, 69A, 70A&B, 78A, 79A, 110A, 475B&C, 481B, and 482B will require a geotechnical study and the foundation will have be designed by a Virginia Licensed Professional Engineer in accordance with the Uniform Statewide Building Code".

34. This plan shall be filed in the front office of Community Development and used exclusively for obtaining soils information for this proposed subdivision.
35. This plan shall be submitted to the Soil Scientist Office before final record plat approval.
36. All non-conventional sewage disposal systems shall have an operation, maintenance, and monitoring schedule established and approved by the Health Department and the County Soil Scientist prior to occupancy permit approval. Lot owner shall at all times keep in force a maintenance and monitoring schedule and contract.
37. The applicant shall make provision for public water and sewer service to the development pursuant to Special Exception #SE01-S-16.
38. Water and sanitary main lines shall be located along lot lines and shall not impose on the buildable portion of a lot; and, be it

RESOLVED FURTHER, That the decision of the Planning Commission to deny the cul-de-sac length waiver associated with this preliminary plat be overturned, and that the requested length of those cul-de-sacs, as indicated on the preliminary plat last dated January 30, 2002, and any cul-de-sacs created as a result of County action terminating a street shown as a through street on the Preliminary Plat that do not meet Subdivision Ordinance standards be, and is hereby, approved.

A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN #CPA02-S-05, NEW BALTIMORE SERVICE DISTRICT, SEMPLE FAMILY LIMITED PARTNERSHIP; and A RESOLUTION TO APPROVE SPECIAL EXCEPTION #SE02-S-13 and SE#02-S-14, SEMPLE FAMILY LIMITED PARTNERSHIP, OWNER, PIN #6995-79-4111-000, AND AML DEVELOPMENT CORPORATION, APPLICANT

A public hearing was held to consider a resolution to amend the Comprehensive Plan #CPA02-S-05, New Baltimore Service District, Semple Family Limited Partnership, and to consider a resolution to approve special exception #SE02-S-13 and SE02-S-14, Semple Family Limited Partnership, owner, and AML Development Corporation, applicant, PIN #6995-79-4111-000, Scott Magisterial District. Rick Carr of Community Development gave a briefing on the applications. The following citizens spoke in favor of the project: Ben Jones, representing the applicant, Mr. Hill, Barbara Miller, Center District, Eugene Garrett, Center District, spoke and then read a letter written by Ms. Jones, who was also in favor of the project, John Wayland, Scott District, Gary Newell, Scott District, Melinda Wayland, Scott District, Mary Russell, Cedar Run District, Ann Hall, Center District, Father Alex Darby, Scott District, Virginia Barter, Scott District, read a letter from Joan Semple, in favor of the special exception, Karen Cosner, Scott District, Cynthia Gullege, Scott District, Carol Comishrow, Marshall District, Matthew Smith, Cedar Run District, Chairman of the Transportation Committee, Joe Wiltse, Scott District, spoke on behalf of Nancy Wood of Scott District, Brian Turner, Scott District, Steve Potucek, Marshall District, Lois Thompson, Marshall District, Vince Doolin, New Baltimore Fire Department, Glen Payne, Marshall District, Charles Moore, Jr., Scott District, Malcolm Hoffman, Martha Turner, Scott District, Marta Bridges, Cedar Run District, Barbara Bream, Marshall District, and Richard Dupen, Marshall District. Peter Jackson, Scott District, adjoining property, stated he was in favor of the special exception and presented a letter and petition with fifty-four signatures of support for Suffield Meadows to the Board for inclusion in the file. Brooke Semple, property owner, spoke to issues about the Comprehensive Plan, and water and drainfield impacts. David

Cubbage, Assistant Engineer for VDOT, addressed projected traffic impacts, stating there would be a mild to modest impact, and offered to answer any questions. The following citizens spoke in opposition to the request for special exception: Leocade Leighton, Scott District, Kathleen King, Scott District, Mara Seaforest, Cedar Run District, Larry King, Scott District, Linda Dodge, Scott District, adjacent property owner, Darcy Wooldridge, Scott District, adjacent property owner, Joan King, Scott District, Mimi Moore, Marshall District, Kitty Smith, Denise Williams, Scott District, Charles Coffington, Scott District, Suzanne Scheer, Cedar Run District, and Loretta (last name inaudible), Scott District. No one else spoke. The public hearing was closed. Mr. Weeks moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN #CPA02-S-05, NEW BALTIMORE SERVICE DISTRICT SEMPLE FAMILY LIMITED PARTNERSHIP

WHEREAS, AML Development Corporation, the applicant, has filed a comprehensive plan amendment to extend public water beyond a service district boundary; and

WHEREAS, the Planning Commission held a public hearing on this application on February 28, 2002, and has forwarded its recommendation to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has considered the written and orally presented information about the proposal and conducted a public hearing for this application on May 20, 2002; and

WHEREAS, the Board of Supervisors has determined that the proposal would advance County goals of the Comprehensive Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That the application to allow the extension of public water beyond the New Baltimore Service District boundary to serve the property identified as PIN #6905-79-4111-000 for the purposes identified in Special Exception application #SE02-S-13 and SE #SE02-S-14 be, and is hereby, approved.

Mr. Weeks then moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION #SE02-S-13 and #SE02-S-14 SEMPLÉ FAMILY LIMITED PARTNERSHIP, OWNER (PIN #6995-79-4111-000) AND AML DEVELOPMENT CORPORATION, APPLICANT

WHEREAS, AML Development Corporation, applicant, has filed an application for special exception approvals to establish a continuing care facility in the rural agricultural zoning district (Section 5-606) and for a private sewage treatment system (Section 5-2000); and

WHEREAS, the Planning Commission held a public hearing on this application on February 28, 2002, and has forwarded the application to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has considered the written and orally presented information of the applicants and conducted a public hearing for this application on May 20, 2002; and

WHEREAS, the Board of Supervisors has determined that the applications are in substantial conformance with the Comprehensive Plan and the applicable provisions of the Zoning Ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That the applications of AML Development Corporation on parcel #6995-79-4111 be, and is hereby, approved, subject to the following conditions:

General Provisions

1. This special exception is granted only for the purpose(s), structure(s) and/or uses indicated on the special exception plat approved with the application, dated December 14, 2001, and revised April 9, 2002, as qualified by these development conditions, with the exception that accessory structures as otherwise permitted in the underlying zoning district shall be permitted in accordance with the provisions in Article 6 of the Zoning Ordinance.
2. This special exception is subject to the provisions of Article 12 of the Fauquier County Zoning Ordinance, Site Plans, as may be determined by the Fauquier County Department of Community Development.
3. The applicant shall file a site plan within one year of approval of this special exception approval. The site plan shall be in substantial conformance with the special exception plat dated December 14, 2001 and revised through April 9, 2002.
4. The special exception shall expire and be null and void unless a Certificate of Occupancy for the first occupied unit or building is issued within three (3) years of the date of approval for the special exception, or a Board of Supervisors extension is approved.
5. The use of the property shall be limited to the following housing components: one 40-bed assisted living facility structure, two 16-unit condominium structures, 50 individual cottage units and 30 duplex units.

6. Prior to the issuance of the first residential building permit, the applicant shall post a performance bond in the amount of \$850,000.00 to guarantee that construction of the assisted living facility will begin prior to the issuance of the 85th residential building permit. The Director of Community Development and the County Attorney shall agree to the terms and conditions of the bond. In the event of a default, the performance bond fund shall be used either for the construction of an on-site assisted living facility or for the medical care of persons who have purchased housing components within the continuing care community.
7. The applicant agrees that first priority for assisted living facility beds shall be for those persons who have purchased housing components within the continuing care community, based upon bed availability at that time at the current market rate.
8. The assisted living facility shall be licensed by the Virginia Department of Social Services and any other appropriate federal, state and/or local agency prior to the issuance of the Certificate of Occupancy for the facility.
9. The total area of the site developed for the continuing care facility shall be limited to 30± acres as generally depicted on the Special Exception Plat. Unless the Board of Supervisors approves an amendment to this special exception, the remaining parcel acreage (90 ± acres) shall be deed restricted from further development with limited exceptions through a recorded easement. Those exceptions are limited to the following uses:
 - a. Installation of utility poles, transformer, lines and facilities related to the transmission and distribution of electricity, telephone and cable;
 - b. Natural gas lines, reduction station equipment and facilities related to the distribution of natural gas;
 - c. Installation of well for potable use, septic tank, drainfield and required reserve, and effluent lines for the facility, facilities for the production and or distribution of potable water for domestic use, wastewater treatment plant and related systems as otherwise permitted;
 - d. Agricultural, forestry, wildlife habitat areas and observation points or open space uses.
 - e. Accessory structures as otherwise permitted in the underlying zoning district.
 - f. Gardens, walking trails and similar amenities as otherwise permitted and indicated on the special exception plat.
10. The referenced easement will include the conditions mentioned above, and shall be reviewed and approved by the County Attorney.
11. The applicant shall obtain and, as necessary, maintain all applicable federal, state and local permits. In addition, the Department of Community Development, on behalf of the Fauquier County Board of Supervisors, reserves the right to inspect the site at any reasonable time without prior notice to ensure that the operation of the Facility meets the conditions of this special exception.
12. The applicant agrees that the housing shall be age-restricted in nature, in accordance with the Fair Housing Amendments Act of 1988, as amended, so that at least one occupant of each unit is at least 55 years of age or older. In addition, the applicant agrees that no occupant of any unit shall be under the age of 19.

13. The applicant shall establish, as a method of guaranteeing continuing adequate maintenance for the facility, a base reserve of \$1,000 per unit sold. The funds shall be collected at closing for each unit and placed into an interest bearing account established solely for the purpose of facility maintenance. The County Attorney's office shall review and approve the documents establishing this fund prior to the first occupancy permit. A minimum of 50% of the funds shall be reserved and dedicated to the maintenance of the sewage treatment facility.
14. The special exception is granted for and runs with the land indicated in this application and is not transferable to other lands. Conditions of the permit shall be applicable to all successors and assigns of the applicant. In the event that the Applicant challenges any condition of this special exception, the Board of Supervisors evidences its intent that these conditions are not severable.
15. Prior to final site plan approval the applicant shall submit for review by the County Attorney's Office, draft covenants to be recorded and running with the lands and binding on all owners of condominiums and lands in perpetuity. Such covenants shall address at a minimum: insured conformance with age restrictions in compliance with federal laws, guarantee of continued performance and maintenance of the sewage treatment facility, private roadways, landscaping and grounds and buildings or structures.
16. The applicant shall convey to the Fauquier County Water and Sanitation Authority the well on the subject property and grant and necessary easements to allow the well to serve the New Baltimore Service District, in association with Comprehensive Plan Amendment CPA#02-S-04. An agreement with the WSA detailing this arrangement shall be established prior to the approval of the site plan.

Emergency Services

1. The applicant has agreed to and shall make a \$50,000 cash contribution to Fauquier County for the sole purpose of assisting in the purchase of a new ambulance for the New Baltimore Volunteer Fire and Rescue Company. Such contribution shall be made prior to the issuance of the first zoning permit for any residential unit or the assisted living facility.
2. In order to allow for 24-hour emergency service access, an employee shall either man the gatehouse 24 hours per day, or the applicant shall provide to the New Baltimore Fire and Rescue Squad a means of accessing the entrance gate.
3. The applicant agrees that individual residential sprinklers for fire protection shall serve all residential units.

Environmental Conditions:

1. Prior to site plan approval, the Applicant must provide the County with any official wetland determinations made by the U.S. Army Corps of Engineers and recommended actions that the Applicant needs to accomplish resulting from site construction. Prior to issuance of the Certificate of Occupancy for the Facility, the Applicant shall demonstrate to the Department of Community Development that all federal wetland requirements, if any, have been completed to the satisfaction of the U.S. Army Corps of Engineers.

2. Best Management Practices shall be incorporated into final stormwater management designs at the time of site plan submission.
3. The erosion and sediment plan designed at the time of site plan submission shall incorporate filtration practices due to the high mica content of many of the soils on site.
4. The applicant shall obtain a Federal Emergency Management Agency approved floodplain revision prior to approval of the site plan.

Landscape and Buffer Requirements:

1. A landscape/buffering plan shall be prepared and submitted with the site plan for the Facility, pursuant to Zoning Ordinance requirements for approval by the Department of Community Development. In the described plans, native species shall be the principal planting categories used for the benefit of existing and future wildlife populations. Species should include, but not be limited to, hollies, loblolly pine, red cedar, white pine, leyland cypress, willow oak, sycamore, locust, wax myrtle, highbush blueberry, downy serviceberry, redbud, and similar types. The planting plan will be submitted as part of the site plan and shall meet the landscape and buffering requirements contained in Section 7-600 of the Zoning Ordinance. The plan shall also include:
 - a. Perimeter Buffering.
 - 1) The applicant shall identify tree stands, which are to be preserved and the method of protection and site management before and after construction. The details shall be included as part of site plan design and approval.
 - 2) The applicant shall plant a forested buffer serving as a visual screen as indicated on the special exception plat and otherwise required by Zoning Ordinance provisions.
 - b. Maintenance.
 - 1) Dead and Dying Trees and Replacements. The applicant shall replace any trees planted along the forested buffer pursuant to item 2.a. above that die within three (3) years of planting. If any trees shown on the approved site plan to be preserved or planted as part of the perimeter buffer become diseased or are dying, then the applicant may remove those trees. If the removed trees are part of the screening buffer as shown on the approved landscape/buffer plan, then the applicant shall replace with such number of trees as are necessary to satisfy the screening intent of the approved landscape/buffer plan. The replacement trees shall be planted as nearly as possible to the location of the removed trees. The replacement trees must be the equivalent to that shown on the approved plan.
 - 2) Protection. The applicant shall be responsible for and employ reasonable efforts for the protection of the tops, trunks and roots of all existing trees, as well as other vegetation on the site. Protection devices shall be installed along the limits of clearing and grading, prior to any construction occurring on-site. Such protection shall be maintained until all work in the vicinity has been completed, and shall not be removed without the consent of the County Engineer.

Lighting Requirements:

1. The facility lighting shall comply with the performance standards contained in Section 9-900 and 9-1000 of the Fauquier County Zoning Ordinance. All outdoor light fixtures shall be fully shielded as identified in Section 9-1006 of the Zoning Ordinance, and a fully shielded fixture must be a full cutoff luminary with full cutoff optics.

Transportation Requirements:

1. The applicant shall dedicate right-of-way in the amount of 35 feet from the existing property line along the property's entire Route 29 frontage, with an additional 50-foot reservation for a possible future service road. The applicant shall also dedicate 25 feet of right of way along the Route 673 frontage of the property.
2. The applicant shall design and construct all frontage improvements to serve the site as indicated on the special exception plat and determined by the Virginia Department of Transportation at the time of site plan review.
3. The applicant shall contribute \$40,000 presented to the County and placed in a Transportation Escrow Account for the signalization of the intersection of the project entrance/Baldwin Street and Route 29. Such payment shall be made prior to the issuance of the first occupancy permit for any residential unit or the assisted living facility. Upon request from VDOT, the County shall deliver the escrowed fund to the Virginia Department of Transportation (VDOT).
4. Adequate traffic controls, as determined by VDOT, shall be established for all construction traffic and also for activities within the public right of way.
5. No open cutting or trenching of Route 29 shall be permitted in association with utility crossings.
6. No valves or "blow-offs" or fire hydrants shall be permitted in the public right-of-way.
7. The unpaved emergency access road depicted on the special exception plat shall be a minimum width of 15 feet, designed and constructed so as to handle emergency vehicles in both wet and dry conditions.

Private Sewage Treatment System:

Prior to site plan approval for the continuing care facility, the applicant shall:

1. File an application with the Health Department for the proposed private sewage system.
2. Conduct a preliminary meeting with the Health Department to determine basic design parameters such as flows.
3. Submit a soils evaluation proposal to the Health Department and the County Soil Scientist. As part of this evaluation, the applicant shall conduct a saturated hydraulic conductivity test (K-sat) to determine a permeability rate that will be used as part of the design criteria.
4. A site visit shall be held with representatives from the Health Department and the County Soil Scientist to determine suitable areas.
5. Submit a design to dispose of sewage effluent and calculate nitrate loading, ponding and disposal means in accordance with state and local health codes.

6. Complete any design revisions deemed necessary by the Health Department's engineer and submit the revised package to the local Health Department for the issuance of a permit.

In addition, the following general provisions shall also apply:

7. A Class III wastewater operator licensed by the Commonwealth of Virginia shall operate the private sewage treatment facility. Written documentation shall be provided to the Building Official in the form of an operator agreement prior to the issuance of the first occupancy permit for the facility.
8. The applicant shall provide an annual certification statement to the Zoning Administrator indicating that a Class III operator is under contract for the sewage treatment facility.
9. Either the applicant or the licensed operator shall ensure that 24-hour a day monitoring and notification systems and procedures are in place for the sewage treatment operations. The applicant shall be responsible for notifying the County and all adjacent property owners of any system malfunctions within 24 hours of the occurrence of the malfunction.
10. Monitoring reports of the sewage treatment system shall be submitted to the Health Department as required on a routine basis, with accumulated results submitted to the Zoning Administrator on an annual basis.
11. Before the issuance of the first occupancy permit, the applicant shall provide written evidence to the Building Official that the applicant has arranged for the appropriate disposal of biosolids produced on site.
12. Prior to the issuance of the first building permit the applicant shall convey, or contract to convey, the public water system including but not limited to wells, waterlines and other system requirements, to the Fauquier County Water and Sanitation Authority.
13. All commercial components shall be located only within the assisted living and recreation building components of the assisted living community. All commercial components shall be accessory to, and normally found in, assisted living uses. Commercial components shall be designed and constructed primarily for use by the residents of the assisted living community.

COMPREHENSIVE PLAN AMENDMENT – CONSIDER AMENDING CHAPTER 10 RELATING TO TRANSPORTATION (ROUTE 805/17 INTERSECTION)

A public hearing was held to consider a resolution adopting the Comprehensive Plan text amendment eliminating the Route 805/17 interchange from Map 10.3 of the Bealeton Service District Transportation Plan. Rick Carr, Director of Community Development, provided a brief summary of the proposed text amendment. No one else spoke. The public hearing was closed. Ms. McCamy moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*

Nays: *None*

Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION ADOPTING THE COMPREHENSIVE PLAN TEXT AMENDMENT ELIMINATING THE ROUTE 805/17 INTERCHANGE FROM MAP 10.3 OF THE BEALETON SERVICE DISTRICT TRANSPORTATION PLAN

WHEREAS, the Fauquier County Board of Supervisors, by resolution, transmitted its recommended Six-Year Improvement Program to Virginia Department of Transportation in July of 2001; and

WHEREAS, the recommendation requested that Virginia Department of Transportation suspend critical implementation along Route 28, with the exception of spot/safety improvements from Routes 15/29 to the Prince William County line. The suspension will last until the planning process, which shall re-examine roadway alternatives, is completed for the five service districts through which the major primary highway passes; and

WHEREAS, it has not been demonstrated that the referenced Route 805 (Extended)/17 interchange is needed at that location; and

WHEREAS, the Planning Commission conducted a public hearing on January 31, 2002 and recommended both proposed interchanges be removed from the Bealeton Service District's Transportation Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That the Comprehensive Plan text amendment eliminating the Route 805 (Extended)/17 corridor interchange as identified on Map 10.3 of Chapter Ten for the Bealeton Service District Transportation Plan be, and is hereby, adopted.

REZONING APPLICATION (RZ98-CR-13) – CALVIN L. RITCHIE, OWNER / APPLICANT

A public hearing was held to consider an Ordinance to approve rezoning application #RZ98-CR-13, Calvin L. Ritchie, owner/applicant. The applicant's original rezoning request for the 14.95 acres to I-2 (General Industrial) was postponed indefinitely by the Board of Supervisors in February of 1999. The applicant re-activated the request for two acres of the land and the public hearing on that request was opened on April 15, 2002. The applicant is seeking a rezoning to allow for a custom meat processing facility. The applicant has amended his request since the April 15th public hearing. The 14.95 acres is now being requested for rezoning from I-1 Conditional, to I-1 (Industrial Park) with submitted proffers to limit the use of the property, PIN #7808-52-4186-000, Cedar Run Magisterial District. Rick Carr, Director of Community Development, gave a summary of the application. No one else spoke. Mr. Graham moved to adopt the following Ordinance. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

ORDINANCE

AN ORDINANCE TO APPROVE REZONING #RZ98-CR-13 CALVIN L. RITCHIE PROPERTY

WHEREAS, Calvin L. Ritchie, owner and applicant, has filed an application to rezone approximately two acres of a 96 acre parcel from Industrial Park (I-1 Conditional) to Industrial Park (I-1); and

WHEREAS, the Planning Commission held a public hearing on this application on January 28, 1999 and has forwarded the application to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has considered the written and orally presented information of the applicant and conducted public hearings for this application on April 15, 2002 and May 20, 2002; and

WHEREAS, by the adoption of this Ordinance, the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by this amendment to the Fauquier County Zoning Map; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 20th day of May 2002, That Rezoning Request #RZ98-CR-13 to change the zoning designation of a 14.95 acre portion of a 96 acre parcel on Ritchie Road (Route 644), identified as PIN #7808-52-4186-000, from Industrial Park (I-1, Conditional) to Industrial Park (I-1) be, and is hereby, approved, subject to the applicant's proffer statement dated April 27, 2002; and, be it

ORDAINED FURTHER, That the Board of Supervisors has also determined that the more intensive use of the existing farm road to serve the use in this application will not negatively impact the Southern Fauquier Agricultural and Forestal District, pursuant to the provisions of Section 15.2-4309 of the Code of Virginia, 1950, as amended.

ZONING ORDINANCE TEXT AMENDMENT TO CONSIDER AMENDING SECTION 3-401 TO CHANGE THE MAXIMUM DENSITY IN THE RESIDENTIAL (R-1) ZONING DISTRICT FROM .09 DWELLING UNITS PER ACRE TO 1.0 DWELLING UNITS PER ACRE

A public hearing was held to consider an Ordinance approving amendments to Section 3-401 of the Fauquier County Zoning Ordinance changing the maximum allowable density permitted in the Residential-1 (R-1) zoning district from .09 dwelling unit per acre to 1.0 dwelling unit per acre. Rick Carr, Director of Community Development, explained the rationale for the proposed text amendment. Leocade Leighton and Kitty Smith spoke in opposition to the proposed text amendment to Section 3-401 of the Fauquier County Zoning Ordinance. No one else spoke. The public hearing was closed. Mr. Winkelmann moved to deny the amendments to

Section 3-401 of the Fauquier County Zoning Ordinance. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

ZONING ORDINANCE TEXT AMENDMENT – CONSIDER AMENDMENTS TO SECTION 7-603 OF THE FAUQUIER COUNTY ZONING ORDINANCE TO BRING THE ZONING ORDINANCE INTO CONFORMITY WITH THE CODE OF VIRGINIA REGARDING TREE CANOPY REQUIREMENTS

A public hearing was held to consider an ordinance approving amendments to Section 7-603 of the Fauquier County Zoning Ordinance to change several sections regarding the tree canopy regulations in accordance with the Code of Virginia. Rick Carr, Director of Community Development, gave a summary of the proposed text amendments. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

ORDINANCE

AN ORDINANCE APPROVING AMENDMENTS TO SECTION 7-603 (TREE CANOPY REQUIREMENTS) OF THE FAUQUIER COUNTY ZONING ORDINANCE TO CHANGE SEVERAL SECTIONS REGARDING TREE CANOPY REGULATIONS INTO ACCORD WITH THE CODE OF VIRGINIA

WHEREAS, Section 7-603 of the Fauquier County Zoning Ordinance regulates tree canopy requirements in Fauquier County; and

WHEREAS, the current ordinances require tree canopy calculations to be based on a 10-year maturity; and

WHEREAS, the Code of Virginia requires such calculations to be based on a 20-year maturity; and

WHEREAS, the Code of Virginia also requires ordinances contain reasonable exceptions to tree canopy requirements; and

WHEREAS, the Zoning Ordinance currently does not have a specific waiver procedure; and

WHEREAS, the Zoning Administrator currently is empowered to grant waivers of landscape and buffer ordinances; and

WHEREAS, these amendments would extend that power to waivers of tree canopy requirements; and

WHEREAS, the Planning Commission held a public hearing March 28, 2002, and voted April 25, 2002, to forward a recommendation of approval to the Board of Supervisors; and

WHEREAS, the Fauquier County Board of Supervisors held a public hearing on May 20, 2002; and

WHEREAS, the Board of Supervisors determined the proposed amendments will be in the spirit of the Zoning Ordinance and bring the Ordinance into accord with the Code of Virginia; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 20th day of May 2002, That Section 7-603 of the Fauquier County Zoning Ordinance be amended to change tree canopy calculations from a 10-year to a 20-year maturity and empower the Zoning Administrator to grant waivers of tree canopy requirements. The section will be amended as follows:

7-603

Tree Canopy Requirements

1. Site Planning. Clearcutting of trees for non-residential and residential projects requiring site plans shall be limited to only those essential areas necessary for required loading, parking, public and private streets, stormwater management facilities, and buildings. Preservation of existing tree stands is a priority, with planting credits provided herein. All Major and Minor site plans shall include the planting and replacement of trees to the extent that, at maturity of ~~ten (10)~~ twenty (20) years, a minimum tree canopy shall be provided as follows:
 - a. Ten (10) percent tree canopy for properties zoned commercial or industrial in the C-1, C-2, C-3, CV, I-1, I-2, PCID, PRD, PDMU or any subsequent zoning district established with these associated use categories.
 - b. Fifteen (15) percent tree canopy for nonresidential uses allowable in RC, RA, RR-2, V, R-1, R-2, R-3, R-4, TH, GA and MDP districts, as well as for garden apartments (GA), townhouses (TH), manufactured dwelling park (MDP), PRD, PDMU or any other planned unit development including these latter use categories.
2. Residential Subdivision. Clearcutting of existing trees for parcels planned for residential development shall be limited to those areas necessary for the planned house pad, yard, drainfields, if applicable, new streets, stormwater management facilities, and recreation areas and associated facilities. The requirements contained herein apply to residential subdivision proposals not requiring site plans in any zoning district, excluding Administrative and Family Subdivisions.

Unless the property is excluded ~~per Section C.3~~ as described in Paragraph c. below, then a landscape plan shall be included at the Record Plat or construction drawings phase, whichever occurs first. The landscape plan shall provide for the planting or replacement of trees on site to the extent that, at maturity of ~~ten~~ 20 years, a minimum tree canopy will be provided as follows:

- a. The plan shall provide for the preservation, or planting and replacement of trees on site to result in a tree canopy of at least 15%, calculated at ~~10 years~~ 20 years maturity.
 - b. Special attention is encouraged for plantings at the project entry points and street tree plantings along areas abutting and planned for public street dedication or as private streets. Trees shall be planted at a density of one tree per 50 linear feet along all areas dedicated for use for vehicular access. Such trees shall have a minimum 2¼ inch caliper at planting and a height at maturity of 15 feet or more. Such trees shall be counted toward meeting the minimum canopy requirements.
 - c. The Zoning Administrator may grant a waiver or modification for those parcels eligible under Section 15.2-961 of the Code of Virginia for reasonable exceptions or deviations for reasonable development of farm land or other areas devoid of woody material, preservation of wetlands or when the strict application of the requirements would result in unnecessary or unreasonable hardship to the developer. The Zoning Administrator may attach conditions to any waiver or modification to assure the results of the waiver or modification will be in accord with the intent of this ordinance.
3. Calculation Exclusions. In calculating the area of a site for the purpose of determining tree canopy coverage requirements, the following areas shall be excluded: areas reserved or dedicated for future street construction or other public improvements; ponds and wetlands which are not wooded; properties reserved or dedicated for schools, playing fields and other non-wooded recreation areas, and other facilities and areas similar in nature.
4. Credits for Existing Conditions. Existing trees can be counted as part of the tree canopy calculation under specific conditions. The number, type and location of trees to be preserved are identified in the landscape plan. The site plan or construction plans also identify the tree to be preserved on site and the methods of protection to be used during site development to assure survival. If the protected trees are part of a wooded preserve, then an easement must be provided with the applicable record plan and/or site plan. Note that trees planted pursuant to the Landscape and Buffering Requirements also qualify toward meeting the tree canopy coverage standards.

SUBDIVISION ORDINANCE TEXT AMENDMENT – CONSIDER AMENDING SECTION 9-6 TO PROVIDE FOR SUBMISSION OF A DENIED PRELIMINARY PLAT TO THE PLANNING COMMISSION FOR REVIEW AND APPROVAL

A public hearing was held to consider an Ordinance amending Section 9-6 and 9-7 of the Fauquier County Subdivision Ordinance to require denied preliminary plats to be corrected and submitted to the Planning Commission for review and approval, prior to referral to the Board of Supervisors. Rick Carr, Director of Community Development, provided an overview of the proposed text amendment. No one else spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

ORDINANCE

AN ORDINANCE AMENDING SECTIONS 9-6 AND 9-7 OF THE FAUQUIER COUNTY SUBDIVISION ORDINANCE TO REQUIRE DENIED PRELIMINARY PLATS TO BE CORRECTED AND SUBMITTED TO THE PLANNING COMMISSION FOR REVIEW AND APPROVAL PRIOR TO REFERRAL TO THE BOARD OF SUPERVISORS

WHEREAS, Sections 9-6 and 9-7 of the Fauquier County Subdivision Ordinance provide for the review and decision on preliminary plat applications by the Planning Commission and referral of preliminary plats to the Board of Supervisors; and

WHEREAS, the Board of Supervisors is concerned that subdivisions denied by the Planning Commission are not reviewed by either the Planning Commission or the Board of Supervisors to determine if the reasons for denial have been appropriately addressed; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on this proposed Subdivision Ordinance text amendment on March 28, 2002 and voted to recommend that the Subdivision Ordinance be amended; and

WHEREAS, the Board of Supervisors held a public hearing on this proposed Subdivision Ordinance text amendment on May 20, 2002 and received citizen comments on the proposed amendment; and

WHEREAS, the Board of Supervisors wishes to consider amendments to these sections; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 20th day of May 2002, That Sections 9-6 and 9-7 of the Fauquier County Subdivision Ordinance be, and are hereby, amended to read as follows:

Section 9-5 Planning Commission Decision

A decision on the preliminary plat shall be rendered by the Commission within sixty (60) days after the official filing unless an extension is agreed to by the applicant. If the approval of any State agency, including but not limited to the Virginia Department of Transportation, is required for a feature or features of the preliminary plat, the Commission shall have an additional 45 days from the receipt of all such approvals to act on the plat. When rendering an adverse decision on a preliminary plat, the Commission shall include the specific paragraph(s) of this Ordinance and/or other applicable ordinances with which the subdivider has not complied. After an adverse decision on a preliminary plat by the Planning Commission, a corrected preliminary plat application shall be filed in the Office of Community Development, which addresses the deficiencies noted in the denial. The application and filing process shall be as specified in Sections 9-3 and 9-4 of this Ordinance. The Planning Commission's review of this amended preliminary plat shall only address those items noted as deficiencies in the denial and any changes to the plat that result from addressing the specified deficiencies. ~~Nothing in this Ordinance shall be construed to prevent an applicant who has received an adverse decision on the preliminary plat from proceeding with preparation and submission of the final plat.~~

Section 9-7 Referral to Board

All preliminary plats approved ~~acted on~~ by the Planning Commission shall be referred to the Board of Supervisors at its next regularly scheduled meeting. The Board of Supervisors, by a majority vote, may consider a preliminary plat at the ~~second~~ regularly scheduled meeting. If the Board takes no action on preliminary plat referral, the preliminary plat shall be deemed approved ~~or denied~~ in accordance with the actions of the Planning Commission.

The Board shall act on the preliminary plat referral not later than its ~~second~~ regularly scheduled meeting unless the applicant agrees to an extension. The Board may approve, approve with modification, or deny the preliminary plat. Any action by the Board of Supervisors shall be deemed final.

SPECIAL EXCEPTION – JOHN K. HENSLEY AND JUDITH C. HENSLEY, OWNERS, AND RON POSTON, APPLICANT

A public hearing was held to consider a resolution to approve special exception #SE02-S-17, John and Judith Hensley, owners, and Ron Poston, applicant, Scott Magisterial District. The applicant is seeking Special Exception approval under Section 3-320, Public Utilities, of the Zoning Ordinance for the use of an Aquarobic Septic System to serve a three-bedroom single-family residence to be built on a 1.464-acre parcel on Old Maidstone Road in the Village of Rectortown. Rick Carr, Director of Community Development, provided a brief summary of the special exception application. Ron Poston, applicant, spoke in favor of the special exception. No one else spoke. The public hearing was closed. Mr. Weeks moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: **Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks**
Nays: **None**
Absent During Vote: **None**
Abstention: **None**

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION #SE02-S-17 JOHN AND JUDITH HENSLEY, OWNERS, AND RON POSTON, APPLICANT

WHEREAS, John and Judith Hensley, owners, and Ron Poston, applicant, have filed an application to obtain approval for the use of an Aquarobic Septic System to serve a three-bedroom single-family residence to be built on a 1.464 acre parcel on Old Maidstone Road in the Village of Rectortown; and

WHEREAS, the Planning Commission held a public hearing on this application on March 28, 2002 and has forwarded the application to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has considered the written and orally presented information of the applicants and conducted a public hearing for this application on May 20, 2002; and

WHEREAS, the Board of Supervisors has determined that the application is in substantial conformance with the Comprehensive Plan and the applicable provisions of the Zoning Ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That the application is in substantial accordance with the Fauquier County Comprehensive Plan; and, be it

RESOLVED FURTHER, That the application is hereby approved subject to the following conditions:

1. The special exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. The special exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. The system shall serve the proposed three bedroom residential structure only.
4. The applicant shall ensure the proper functioning of the system by entering into a maintenance agreement with the manufacturer to inspect, service and sample the system on a regular basis for the life of the unit.
5. The manufacturer or a certified laboratory shall conduct testing. All test results shall be reported to the Health Department.
6. There shall be no further subdivision of the subject property.

SPECIAL EXCEPTION – JAMES O. HOLBROOK, IV, TRUSTEE & OTHERS, OWNER, AND SCHIEBEL TECHNOLOGY, INC., APPLICANT

A public hearing was held to consider a resolution to approve special exception #SE02-CR-18, James Holbrook, Trustee, owner, and Schiebel Technology Inc., applicant, Cedar Run District. Rick Carr, Director of Community Development, provided a summary of the special exception application. Paul Bernard, of Brickman Engineers, representing the applicant, spoke in favor of the special exception. Kitty Smith, Marshall District, stated a greater setback is needed and she was opposed to the special exception under its current conditions. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

**A RESOLUTION TO APPROVE SPECIAL EXCEPTION #SE02-CR-18
JAMES HOLBROOK, TRUSTEE, OWNER, AND SCHIEBEL
TECHNOLOGY INC., APPLICANT**

WHEREAS, Schiebel Technology, Inc., applicant, has filed an application for special exception approval to establish an industrial use in the rural agricultural zoning district; and

WHEREAS, the Planning Commission held a public hearing on this application, on March 28, 2002, and has forwarded the application to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has considered the written and orally presented information of the applicants and conducted a public hearing for this application on May 20, 2002; and

WHEREAS, the Board of Supervisors has determined that the application is in substantial conformance with the Comprehensive Plan and the applicable provisions of the Zoning Ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of May 2002, That the application of Schiebel Technology be, and is hereby, approved, subject to the following conditions:

11. The special exception is granted for, and runs with, the land indicated in this application and is not transferable to other land.
12. This special exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, dated January 28, 2002, as qualified by these development conditions, with the exception that up to two additional acres

of land may be utilized for the expansion of the use established by this special exception, with all other development conditions remaining in effect with said expansion.

13. This special exception is subject to the provisions of Article 12 of the Fauquier County Zoning Ordinance, Site Plans, as may be determined by the Fauquier County Department of Community Development.
14. The applicant shall file a site plan within one year of approval of this special exception.
15. The subject parcels under this special exception shall not be subdivided without amendment to the special exception in accordance with the provisions of Article 5 of the Zoning Ordinance.
16. The limits of disturbance shall be limited to those areas indicated on the special exception plat, unless the Director of Community Development determines that some modification is necessary at the time of site plan review due to final engineering requirements.
17. Best Management Practices shall be incorporated into stormwater management designs to the satisfaction of the County Engineer as determined at the time of site plan review.
18. The applicant shall obtain all necessary approvals for a commercial well and septic drainfield from the Health Department prior to site plan approval. If the final drainfield system is alternative (as classified by the Commonwealth of Virginia) in nature, the applicant shall enter into an operation and maintenance agreement with a qualified party and provide evidence of such an agreement to the Building Official prior to the issuance of the Certificate of Occupancy.
19. The applicant shall comply with all applicable zoning regulations, including, but not limited to, setbacks, buffer yards, tree canopy, landscaping, parking and lighting.
20. The building facade shall be designed in a nature similar to a residential or agricultural structure to maintain the character of the area. An architectural rendering shall be submitted to the Zoning Administrator at the time of site plan submission to ensure that this condition is satisfied.
21. A commercial entrance, capable of accommodating two-way traffic, shall be constructed to VDOT's satisfaction; with final design standards to be determined at time of site plan review.
22. The hours of operation shall be 8:00am to 5:00pm, Monday through Friday, with emergency service operations only permitted in the evenings or on the weekends.
23. Any test flights of the product produced on site shall be limited to the hours of operation specified in condition #12 above, shall not occur over any property other than those included in the application, and shall be limited to a flight box area to be depicted on the final site plan. The flight box area shall not be closer than 300 feet from any adjacent property line.
24. Test flights at a height in excess of 500 feet in elevation shall be conducted only after the applicant has provided the Federal Aviation Administration with a "Notice to Airmen" no later than the day of such testing in order to minimize potential air-related conflicts generated by this use.

25. The number of employees on site shall not exceed twenty-five (25).
26. All lighting shall be back shielded and directed inward and downward so as to minimize off-site impacts.
27. There shall be no retail sales associated with this use.

LIBRARY LEASE FINANCING – CONSIDER APPROVING A PLAN OF LEASE FINANCING

A public hearing was held to consider a resolution approving a plan authorizing lease financing in the amount of \$1,700,000 for the purpose of acquiring, constructing and equipping a public library facility to be located at 10877 Willow Drive North, Bealeton, Virginia. The Board of Supervisors previously held a hearing on August 20, 2001 and authorized proceeding with the project and soliciting financial proposals for lease financing. Bids for the construction of the branch library will be advertised, opened, and reported to the Board of Supervisors at their June 2002 meeting. Anthony Hooper, Assistant County Administrator, provided a summary of the proposed plan of lease finance for the branch library in Bealeton. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION APPROVING A PLAN OF LEASE FINANCING FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING AND EQUIPPING A PUBLIC LIBRARY FACILITY TO BE LOCATED AT 10877 WILLOW DRIVE NORTH, BEALETON, VIRGINIA

WHEREAS, Fauquier County, Virginia (the "County"), has acquired certain real property and all improvements thereon located at 10877 Willow Drive North in Fauquier County, Virginia (the "Property");

WHEREAS, the Fauquier County Board of Supervisors (the "Board") has determined that it is in the best interest of the County for the County Administrator, in collaboration with BB&T Capital Markets, the County's financial advisor (the "Financial Advisor"), to solicit proposals from commercial leasing entities to provide financing in connection with the County's acquisition of the Property and the construction and equipment of a County library on the Property (the "Project");

WHEREAS, there have been presented at this meeting (a) a draft of the Prime Lease pursuant to which the Board, on behalf of the County, desires to convey to a commercial leasing entity a leasehold interest in the Property (the "Prime Lease") and (b) a draft of the Lease Agreement pursuant to which the commercial leasing entity will lease the Project to the County (the "Lease Agreement"), both of which the Board proposes to execute or approve to carry out the purposes of the Project and copies of which shall be filed with the records of the Board:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FAUQUIER COUNTY, VIRGINIA:

1. The Board approves the lease of the Property to the commercial leasing entity submitting the proposal that the County Administrator determines to offer the most favorable leasing terms to the County (the "Financing Lessor"). Such lease shall be made pursuant to the terms of the Prime Lease provided that the term does not exceed 40 years from the date of execution.

2. The Board approves the lease back of the Project by the County from the Lessor pursuant to the terms of the Lease Agreement provided that: (a) the total of principal components of basic rent (the "Basic Rent") payable under the Lease Agreement shall not exceed \$1,700,000.00 (b) the term of the Lease Agreement shall not exceed ten (10) years from the date of execution, (c) the interest component of Basic Rent payable under the Lease Agreement shall have a "true" interest cost not to exceed 5.5% per year (exclusive of any interest penalties) and (d) payments of Basic Rent (constituting both principal and interest components) shall be payable semi-annually in the amounts and on the dates as shall be determined by the County Administrator.

3. The Board determines that the Project is essential to the efficient operation of the County, and the Board anticipates that the Project will continue to be essential to the operations of the County during the term of the Lease Agreement.

4. The Chairman and Vice-Chairman of the Board and the County Administrator, any of whom may act, are authorized and directed to execute the Prime Lease and the Lease Agreement, which shall be in substantially the forms submitted at this meeting, which are hereby approved, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officer executing the Prime Lease and the Lease Agreement, such execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.

5. Such officers of the County as requested by the County Administrator are authorized and directed to execute and deliver all certificates and instruments and to take all actions necessary or desirable in connection with the execution and delivery of the Prime Agreement and the Lease Agreement and the completion of the financing.

6. The obligations of the County under the Lease Agreement shall be limited obligations payable solely from funds to be appropriated by the Board for such purpose and shall not constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith and credit of the County beyond any fiscal year for which the Board has lawfully appropriated from time to time. Nothing herein or in the Lease Agreement shall constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith and credit or taxing power of the County.

7. The County believes that funds sufficient to make payment of all amounts payable under the Lease Agreement can be obtained. While recognizing that it is not empowered to make any binding commitment to make such payments beyond the current fiscal year, the Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future Boards do likewise during the term of the Lease Agreement. The Board directs the County's Director of Finance, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to include in the budget request for each fiscal year during the term of the Lease Agreement an

amount sufficient to make the payment of all amounts payable under the Lease Agreement. As soon as practicable after the submission of the County's annual budget to the Board, the County Administrator is authorized and directed to deliver to the Lessor evidence that a request for an amount sufficient to make the payment of all amounts payable under the Lease Agreement has been made. If at any time during any fiscal year of the County, through the fiscal year in which the last payment of Basic Rent will be due, the amount appropriated in the County's annual budget in any such fiscal years is insufficient to pay when due the amounts payable under the Lease Agreement, the Board directs the Director of Finance, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to submit to the Board at the next scheduled meeting, or as promptly as practicable but in any event within 45 days, a request for a supplemental appropriation sufficient to cover the deficit.

8. (a) The County covenants that it will not take or omit to take any action the taking or omission of which will cause the Basic Rent payments due under the Lease Agreement to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the "Code"), or otherwise cause the interest components of the Basic Rent due under the Lease Agreement to be includable in the gross income of the holder thereof under existing statutes. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the tax-exempt portion of the funds received under the Lease Agreement, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent the interest components of Basic Rent due under the Lease Agreement from being includable in the gross income for federal income tax purposes of the holder thereof under existing law.

(b) The County covenants that it shall not permit the proceeds derived from the Lease Agreement to be used in any manner that would result in (a) 10% or more of such proceeds or the facilities financed with such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, provided that no more than 5% of such proceeds may be used in a trade or business unrelated to the County's use of the Project, (b) 5% or more of such proceeds being used with respect to any "output facility" (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest components of the Basic Rent from being includable in the gross income for Federal income tax purposes of the holder thereof under existing law, the County need not comply with such covenants.

9. Such officers of the County as may be requested are authorized and directed to execute an appropriate certificate setting forth the expected use and investment of the funds received under the Lease Agreement, and any elections such officers deem desirable regarding rebate of earnings to the United States, for purposes of complying with Section 148 of the Code. Such certificate and elections shall be in such form as may be requested by bond counsel for the County.

10. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.

11. All other acts of the officers of the County that are in conformity with the purposes and intent of this Resolution and in furtherance of this financing and the undertaking of the Project are approved and ratified.

12. All resolutions or parts of resolutions in conflict herewith are repealed.

13. This resolution shall take effect immediately.

FAUQUIER COUNTY CODE AMENDMENT – CONSIDER AMENDING SECTION 8-37 OF THE CODE OF FAUQUIER COUNTY RELATING TO FEES IN CRIMINAL AND TRAFFIC CASES

A public hearing was held to consider an Ordinance amending Section 8-37 of the Code of Fauquier County relating to fees in criminal and traffic cases. Sheriff Joe Higgs, Jr. provided a brief summary of the proposed Code amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

ORDINANCE

AN ORDINANCE AMENDING SECTION 8-37 OF THE CODE OF FAUQUIER COUNTY
RELATING TO FEES IN CRIMINAL AND TRAFFIC CASES

WHEREAS, Section 8-37 of the Code of Fauquier County imposes a fee on all criminal and traffic cases to provide for courthouse maintenance; and

WHEREAS, Section 53.1-120 of the Code of Virginia mandates that the Sheriff designate deputies to provide security for the courthouse and courtrooms to secure the same against violence and disruption; and

WHEREAS, Section 53.1-120 was amended by the General Assembly effective July 1, 2002, to permit the County of Fauquier to assess a sum not in excess of \$5.00 as part of costs in each criminal or traffic case to defray the cost of courthouse or courtroom security personnel; and

WHEREAS, after due notice and public hearing, the Board of Supervisors has determined it to be in the best interest of Fauquier County to adopt the following Ordinance; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 20th day of May 2002, That Section 8-37 of the Code of Fauquier County be, and is hereby, amended to read as follows:

Section 8-37. Fees in ~~for~~ criminal, traffic cases.

a. Fee for Courthouse Maintenance.

Pursuant to authority granted in Section ~~44-133.2~~ 17.1-281 of the Code of Virginia, 1950, as amended, there is hereby imposed a fee of two dollars (\$2.00) to be taxed as costs in each criminal or traffic case in the district and circuit courts for the County of Fauquier. The clerks of the district and circuit courts for the county are directed to collect assessment and remit it to the treasurer for the county, to be held subject to disbursement by the board of supervisors for those purposes provided by Section ~~44-133.2~~ 17.1-281 of the Code of Virginia.

b. Fee for Courthouse Security Personnel.

Pursuant to authority granted in Section 53.1-120 of the Code of Virginia, as amended, there is hereby assessed a sum of Five Dollars (\$5.00) as part of the costs in each criminal or traffic case in the district and circuit court of Fauquier County in which the defendant is convicted of a violation of any statute or ordinance. The assessment shall be collected by the clerk of the court in which the case is heard, remitted to the treasurer of the county, and shall be held by the treasurer subject to appropriation by the Board of Supervisors to the Sheriff's Office for the funding of courthouse security personnel.

and, be it

ORDAINED FURTHER, That this Ordinance shall be effective July 1, 2002.

**FAUQUIER COUNTY CODE AMENDMENT – CONSIDER AMENDING ARTICLE II
CHAPTER 8 OF THE CODE OF FAUQUIER COUNTY TO REVISE SECTION 8-3
(EXEMPTION FOR ELDERLY AND DISABLED)**

A public hearing was held to consider an Ordinance amending Section 8-3 (exemption for elderly and disabled) of the Code of Fauquier County to provide for increased financial limitations for qualification for relief from real property tax. Ross D'Urso, Commissioner of the Revenue, provided a summary of the proposed Code amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

ORDINANCE

**AN ORDINANCE AMENDING SECTION 8-3 (EXEMPTION FOR ELDERLY AND
DISABLED) OF THE CODE OF FAUQUIER COUNTY TO PROVIDE FOR INCREASED
FINANCIAL LIMITATIONS FOR QUALIFICATION FOR RELIEF FROM REAL
PROPERTY TAX**

WHEREAS, the Board of Supervisors of Fauquier County adopted an Ordinance establishing certain income and combined net worth limitations for application for real estate tax relief for the elderly and disabled; and

WHEREAS, Article II, Chapter 8 of the Code of Fauquier County regulates requirements for the program; and

WHEREAS, Title 58.1-3211 of the Code of Virginia, 1950, as amended, establishes the maximum limitations; and

WHEREAS, the County of Fauquier is among those localities that may, by Ordinance, establish higher income and financial worth limitations for the real estate exemption program for the elderly and disabled; and

WHEREAS, the local governing body may adopt a local Ordinance to accommodate the enabling legislation; and

WHEREAS, after due notice and public hearing the Board of Supervisors has determined that these changes are for the benefit of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 20th day of May 2002, That Section 8-3 of the Code of Fauquier County be, and is hereby, amended to read as follows:

ARTICLE II. REAL ESTATE TAX EXEMPTION FOR ELDERLY PERSONS

Sec. 8-3. Eligibility for exemption.

(a) Any person sixty-five (65) years of age or older on December thirty-first of the year immediately preceding the taxable year, who owns, or partially owns, a dwelling as the sole dwelling of that person; or who is sixty-five (65) years or older and resides in a hospital, nursing home, convalescent home or other facility for physical or mental care for extended periods of time, provided such residence is not used or leased to others for consideration; or who is determined to be permanently and totally disabled as defined herein; shall be eligible for, and may apply for, an exemption of real estate taxes on such dwelling and land, in an amount not to exceed one (1) acre on which it is situated. Provided that the total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling does not exceed ~~thirty-five~~ *fifty two* thousand dollars (~~\$35,000~~), (*\$52,000*) that the first ~~six~~ *eight* thousand five hundred dollars (~~\$6,500~~) (*\$8,500*) of income of each relative, other than spouse, of the owner, or owners, who is living in the dwelling shall not be included in such total.

(b) Notwithstanding subsection (a) of this section, if the person has already qualified for an exemption or deferral under this article, and if the person can prove by clear and convincing evidence that after so qualifying the person's physical or mental health has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a relative move in and provide care for the person, and if relative does move in for that purpose, then none of the relative's income shall be counted towards the income limit.

(c) The net combined financial worth, as herein above defined, as of December thirty-first of the immediately preceding year, cannot exceed one hundred ~~twenty-five~~ *ninety-five* thousand dollars (~~\$125,000~~) (*\$195,000*). (Ord. No. 87-6, 7-21-87; Ord. No. 89-2, 4-4-89; Ord No. 91-1, 2-5-91; Ord No. 92-3, 7-21-92)

With no further business, the meeting was recessed until June 3, 2002.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on May 20, 2002.

G. Robert Lee
Clerk